District of Oregon
Corresponds to AO 242
Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

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### UNITED STATES DISTRICT COURT

District of Oregon

Oovid Roble		
v. )	Case No.	6:23-cv-00762-MC
)		(to be assigned by the Clerk of Court)
Oregon State Hospital  Respondent  (name of warden or authorized person having custody of petitioner)		

#### PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

#### Personal Information

Ι.	(a) Your full name: 016/25
	(b) Other names you have used: Oak of Murtinez Robles
2.	Place of confinement:
	(a) Name of institution: () SH Junetura City
	(b) Address: 29394 Recovery way
	Junction City UR 975/48
	(c) Your identification ("SID") number: 15/7 # 822 >/ 55.5 (4-66-934)
3.	Are you currently being held on orders by:
	☐ Federal authorities ☐ Other - explain:
4.	Indicate that you are currently:
	☐ A pretrial detainee (waiting for trial on criminal charges)
	Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
	If you are currently serving a sentence, provide:
	(a) Name and location of the court that sentenced you: Vumbil Co. M. M. M. W. 12
	$ND (17/2\sigma)$
	(b) Docket number of criminal case: CRILVITIDU PSRB Nu86-0
	(c) Date of sentencing: Fol. 27, 2 () 2>
	☐Being held on an immigration charge
	Other (explain):

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### Decision or Action You Are Challenging

Indicat	e what you are challenging in this petition:
□How	your sentence is being carried out, calculated, or credited by prison or parole authorities (for example,
revoc	ation or calculation of good time credits)
☐ Pretr	al detention
	gration detention
□ Detai	ner
The v	validity of your conviction or sentence as imposed (for example, sentence beyond the statutory
	mum or improperly calculated under the sentencing guidelines)
□ Disci	plinary proceedings
Othe	(explain): Rounts Vinlatium
·	
Provid	e more information about the decision or action you are challenging:
(a) Na	me and Nocation of the agency or court: PSRB # 86-8860
Υ,	mhill County Court No. CR (101710V
(b) Do	cket number, case number, or opinion number:
(c) De	cision or action you are challenging (for disciplinary proceedings, specify the penalties imposed);
	VILLED & SONTING & CIVIL Dights
	Villeting. Article T Soctor OF 10 At Breun
0 1/	
(4) Do	te of the election or action: $Eob$ , $2$ , $3$ , $3$ , $3$
(a) Da	the of the decision of action.
	Your Earlier Challenges of the Decision or Action
	Tour Earner Chanenges of the Decision of Action
First a	ppeal
Did yo	n appeal the decision, file a grievance, or seek an administrative remedy?
Yes	□ No
(a) If	Yes," provide:
	(1) Name of the authority, agency, or court: USH 1), (b) (1)
	(2) Date of filing: 5//h/2? 4865 (A - Givences - )
	(3) Docket number, case number, or opinion number: (1654 & 48655)
	(4) Result: Pro CCOPING is delive!
	(5) Date of result:
	(6) Issues raised: Ut Ut White Other Control of the
	- METICAL SECTIONS 9 E 10
	·

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(b) If	YOU ALLOWELED INO. EXPLAIN WHY YOU CHO HOLADOEST.
(b) II ]	you answered "No," explain why you did not appeal:
Secon	l appeal
Aifter ti	ne first appeal, did you file a second appeal to a higher authority, agency, or court?
Yes	□ N <sub>0</sub>
(a) If '	Yes," provide:
-	(1) Name of the authority, agency, or court: Unit (1) States
	District Court PSRS
	(2) Date of filing: (A DEO GEOS
	(3) Docket number, case number, or opinion number:
	(4) Result: Revocation
	(5) Date of result: Feb 23, 2022 / Oun
	(6) Issues raised: Symp us 7. 45000
	· · · · · · · · · · · · · · · · · · ·
(b) If	you answered "No," explain why you did not file a second appeal:
(b) If	you answered "No," explain why you did not file a second appeal:
Third	appeal
<b>Third</b> After t	appeal he second appeal, did you file a third appeal to a higher authority, agency, or court?
Third After t	appeal he second appeal, did you file a third appeal to a higher authority, agency, or court?  No
Third After t	appeal he second appeal, did you file a third appeal to a higher authority, agency, or court?  No 'Yes," provide:
Third After to	appeal he second appeal, did you file a third appeal to a higher authority, agency, or court?  No
Third After to	appeal he second appeal, did you file a third appeal to a higher authority, agency, or court?  No "Yes," provide:  (1) Name of the authority, agency, or court:
Third After to	appeal he second appeal, did you file a third appeal to a higher authority, agency, or court?  No "Yes," provide:  (1) Name of the authority, agency, or court:  (2) Date of filing:
Third After to	appeal he second appeal, did you file a third appeal to a higher authority, agency, or court?  No 'Yes," provide:  (1) Name of the authority, agency, or court:  (2) Date of filing:  (3) Docket number, case number, or opinion number:
Third After to	appeal he second appeal, did you file a third appeal to a higher authority, agency, or court?  No "Yes," provide:  (1) Name of the authority, agency, or court:  (2) Date of filing:

District of Oregon Corresponds to AO 242

Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 (Rev. 1/20) Page 5 of 10 (b) If you answered "No," explain why you did not file a third appeal: Motion under 28 U.S.C. § 2255 10. In this petition, are you challenging the validity of your conviction or sentence as imposed? Yes Yes □ No If "Yes," answer the following: Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence? □ No If "Yes," provide: (1) Name of court: (2) Case number: (3) Date of filing: (4) Result: (5) Date of result: (6) Issues raised: Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), (b) seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence? ☐ Yes If "Yes," provide: (1) Name of court: (2) Case number: (3) Date of filing: (4) Result: (5) Date of result: (6) Issues raised:

District of Oregon Corresponds to AO 242

Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 (Rev. 1/20) Page 6 of 10 Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your (c) conviction or sentence: 11. Appeals of immigration proceedings Does this case concern immigration proceedings? ľΝο □Yes If "Yes," provide: Date you were taken into immigration custody: (a) Date of the removal or reinstatement order: (b) Did you file an appeal with the Board of Immigration Appeals? (c) ☐ Yes □ No If "Yes," provide: (1) Date of filing: (2) Case number: (3) Result: \_\_\_\_\_ (4) Date of result: (5) Issues raised: (d) Did you appeal the decision to the United States Court of Appeals? Yes ☐ No If "Yes," provide: (1) Name of court: (2) Date of filing: (3) Case number:

District of Oregon Corresponds to AO 242 Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 (Rev. 1/20)

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_	
	(4) Result:
	(5) Date of result:
	(6) Issues raised:
	Other appeals
	Other than the appeals you listed above, have you filed any other petition, application, or motion about the issue
	raised in this petition?
	☐ Yes KNo
	If "Yes," provide:
	(a) Kind of petition, motion, or application:
	(b) Name of the authority, agency, or court:
	(c) Date of filing:
	(d) Docket number, case number, or opinion number:
	(e) Result:
	(f) Date of result:
	(g) Issues raised:
	Grounds for Your Challenge in This Petition
	State every ground that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts
	supporting each ground.
	supporting cach ground.
	CROUDE COURT COURT
•	GROUND ONE: EXSIVE SONTANCE COLUMN
	IN MULIAGE I OWY C & LANG. C // & /)

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	c Attochal
(h) Did you n	resent Ground One in all appeals that were available to you?
Yes	□ No
GROUND TW	The US. 18 11 of Rights Vislation
	<u> </u>
(a) Supportin	g facts (Be brief. Do not cite cases or law.):
/ <i>/</i> /	$ \mathcal{V}_{1} $ , $ \mathcal{V}_{2} $
	10 (11 299) 3(4.67) 3 -47 62
	70 (11 4990) 30 40 67 6 5 40 62
_	resent Ground Two in all appeals that were available to you?
(b) Did you p	resent Ground Two in all appeals that were available to you?
□Yes	□No
□Yes	□No
□Yes	□No
□Yes  ROUND THR	□No
□Yes  ROUND THR	□No EE:
□Yes  ROUND THR	□No EE:
□Yes  ROUND THR	□No EE:

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Page 9 of 10 GROUND FOUR: (a) Supporting facts (Be brief. Do not cite cases or law.): (b) Did you present Ground Four in all appeals that were available to you? □Yes □No If there are any grounds that you did not present in all appeals that were available to you, explain why you did 14. not: Request for Relief 15. State what you want the Court to do:

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#### Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:\*

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 5-11-23

Signature of Petitioner

Signature of Attorney or other authorized person, if any

<sup>\*</sup> As noted in the instructions to this form (at #6), if you are incarcerated at Snake River Correctional Institution (SRCI) or Two Rivers Correctional Institution (TRCI), you must comply with the requirements of the E-Filing Program posted at the institution and set forth in Standing Order 2019-7 (for SRCI) or 2019-12 (for TRCI). Accordingly, you must submit your filings in this case to prison staff for scanning and electronic submission, instead of mailing the filing using the U.S. Postal Service. Please indicate the date you submitted this petition to prison staff for scanning and electronic submission.

OSH Policy 7.006: Attachment A



### **Patient Grievance**



### Place completed form in the grievance box

Use one form for each grievance.

To help staff investigate, include as much detail as possible about your concern.

Patient Name: David Robles For Staff use only
Unit: MN3 Date Received: 5/16/23
Describe your grievance:  Grievance #: 48050
I have constacted a lawer in regards to my civil Rights violation in accusations made by Functioned TX-Team & from tourning over Project What have you done so far to address your grievance?
to Urcain State Police this is my Grieunce as this is un perioding my progress through USA What is your desired outcome?
I would like to discuss my grievance with a Grievance Committee member □Yes □No
Patient Signature: Date: 5/5/25
Printed name of staff or representative who helped fill out this form:
In addition to the OSH grievance process, complaints can be filed with the state agency that

INTERNAL USE ONLY OSH Grievance Form

has licensure survey responsibility over OSH. See Patient Rights Board for information.

### Patient Grievance: Grievance Committee Response

Staff must complete all sections. Patients must be given a written response within 7 calendar days, even if they decline to meet. Exceptions to this timeline are only approved by the OSH Ombuds.

Patient name: David Robles				
Unit: MN3 Date Uni	it Received:5/16/23	Avatar #:		
Grievance #(s): 481,510				
Screenings	Date Sent	Date of Grievance Review:		
Civil Rights: OSH Ombuds and Family Services				
Allegation of Abuse: Office of Training, Investigations and Safety (	Patient met □ Patient declined to meet □			
The following staff contrib	·			
Information and unit response (attach additional pages, if needed)  ☐ This issue is ineligible for the grievance process. See attached letter for more information.				
· .				
		·		
Patient Signature:	Completion Date:	_		
	Grievance Committee Me	ember 1 (Print):		
☐ Declined to sign	Grievance Committee Member 2 (Print):			

Distribute a completed two-sided copy to:

Patient; Ombuds and Family Services; Representative (if applicable); Program Director

OSH Policy 7.006: Attachment A



### **Patient Grievance**



### Place completed form in the grievance box

Use one form for each grievance.

To help staff investigate, include as much detail as possible about your concern.

Patient Name: David Rables	For Staff use only			
Unit: WN3	Date Received: 5/16/23			
Describe your grievance:	Grievance #: 48654			
According to response to grievence,	a crime was			
committed legally, no such pros	t came to light in anu			
court of law. According to Artic	cle   section 10 of			
According to response to grievence, a crime was committed legally, no such proof came to light in any court of law. According to Article 1 section 10 of the any oregon Bill of kights.				
What have you done so far to address your grievance?				
What is your desired outcome?				
I would like to discuss my grievance with a Grievance C	ommittee member (TVes (TNo )			
Patient Signature:	Date: 5/5/52			
-000	Bate. 4/1/25			
Printed name of staff or representative who helped fill out this form:	idra D. RN			

INTERNAL USE ONLY OSH Grievance Form

In addition to the OSH grievance process, complaints can be filed with the state agency that

has licensure survey responsibility over OSH. See Patient Rights Board for information.

### Patient Grievance: Grievance Committee Response

Staff must complete all sections. Patients must be given a written response within 7 calendar days, even if they decline to meet. Exceptions to this timeline are only approved by the OSH Ombuds.

Patient name: () WID KODIES				
Unit: MN3 Date Unit	Avatar #:			
Grievance #(s): 48654				
Screenings	Date Sent	Date of Grievance Review:		
Civil Rights: OSH Ombuds and Family Services	and the second of the second s			
Allegation of Abuse: Office of Training, Investigations and Safety (	f OTIS)	Patient met □ Patient declined to meet □		
The following staff contribu	uted to this response:			
<ul> <li>The following staff contributed to this response:</li> <li>Information and unit response (attach additional pages, if needed)</li> <li>□ This issue is ineligible for the grievance process. See attached letter for more information.</li> </ul>				
Patient Signature:	Completion Date:			
	Grievance Committee	//ember 1 (Print):		
☐ Declined to sign	Grievance Committee I	,		

Distribute a completed two-sided copy to:

Patient; Ombuds and Family Services; Representative (if applicable); Program Director

# Patient Grievance: Grievance Committee Response 5/15/2023

While your IDT and OSH value your religious and free expression rights listed in Article, I Bill of Rights in the Constitution of Oregon we do not believe the restriction of computer privileges violates Freedom of Worship (section 2) and/or Freedom of Religious Opinion (section 3). The IDT would like to be supportive of our desire to serve peers via a non-profit and would consider working with you to develop a Supported Education goal to further your understanding and skills to deliver peer supported services in a religious context without the use of internet access and using manuals or textbooks. Presently you have options available to support and interact with peers at AA/NA meetings and/or DDA. Your computer access will continue to remain on hold based on history of utilizing the internet to engage in criminal behavior related to a non-profit organization as well as an independent investigation with authorities outside of OSH (the actions were a violation of your OSH Internet and Computer Use / Access Contract). Anything you need for your religious practice can be requested from Spiritual Care or your IDT and provided via means other than the internet. At this time the risk of reinstating computer access exceeds the potential benefit of this privilege.

Per OSH Policy 6.030 IE2 failure to follow the provisions in the "OSH Internet and Computer Use/Access Contract" or "Cell Phone Contract" (attached), or possession of devices not allowed under this policy may result in search and possible restriction from using the device or data.

Attached please find a copy of the above referenced policy and your signed Internet Contract.

If you disagree with this response you are encouraged to complete the attached grievance review within 7 days and be sure to include your original grievance and response.

Your IDT will discuss this with you at your next scheduled Treatment Care Plan Meeting.

CONSTITUTION OF OREGON

#### ARTICLE I BILL OF RIGHTS

Sec. Natural rights inherent in people 1. Freedom of worship Freedom of religious opinion No religious qualification for office No money to be appropriated for religion No religious test for witnesses or jurors Manner of administering oath or affirmation Freedom of speech and press Unreasonable searches or seizures Administration of justice Rights of Accused in Criminal Prosecution 12 Double jeopardy; compulsory incrimination **X**13. Treatment of arrested or confined persons 14 Bailable offenses 15. Foundation principles of criminal law Excessive bail and fines; cruel and unusual punishments; power of jury in criminal case 17. Jury trial in civil cases 18. Private property or services taken for public 19. Imprisonment for debt 20. Equality of privileges and immunities of cit-21. Ex-post facto laws; laws impairing contracts; laws depending on authorization in order to take effect; laws submitted to electors Suspension of operation of laws 28. Habeas corpus 24 Treason Corruption of blood or forfeiture of estate Assemblages of people; instruction of repre-sentatives, application to legislature 25, 26. 27. Right to bear arms; military subordinate to civil power Quartering soldiers Titles of nobility; hereditary distinctions **Emigration** Emigration
Taxes and duties; uniformity of taxation
Enumeration of rights not exclusive
Slavery or involuntary servitude
Sale of liquor by individual glass
Penalty for aggravated murder
Work and training for corrections institu 33. 39. 40. Work and training for corrections institution 41. inmates; work programs; limitations; duties of corrections director 42, Rights of victim in criminal prosecutions and juvenile court delinquency proceedings Rights of victim and public to protection from accused person during criminal pro-ceedings; denial of pretrial release Term of imprisonment imposed by court to 44, be fully served; exceptions Person convicted of certain crimes not eligi-

Section 1. Natural rights inherent in people. We declare that all men, when they form a social compact are equal in right: that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think 

on account of sex

ble to serve as juror on grand jury or trial jury in criminal case Prohibition on denial or abridgment of rights

Section 2. Freedom of worship. All men shall be secure in the Natural right, to worship Almighty God according to the dictates of their own consciences.

から、場合性を吸ぶさせる。 アルフィール

Section 3. Freedom of religious opinion. No law shall in any case whatever control the free exercise, and enjoyment of religeous sici opinions, or interfere with the rights of conscience. -

Section 4. No religious qualification for office. No religious test shall be required as a qualification for any office of trust or profit.

Section 5. No money to be appropriated for religion. No money shall be drawn from the Treasury for the benefit of any religeous [sic], or theological institution, nor shall any money be appropriated for the payment of any religeous [sic] services in either house of the Legislative Assembly.

Section 6. No religious test for witnesses or jurors. No person shall be rendered incompetent as a witness, or juror in consequence of his opinions on matters of religeon [sic]; nor be questioned in any Court of Justice touching his religeous [sic] belief to affect the weight of his testimony.

Section 7. Manner of administering nath or affirmation. The mode of administering an oath, or affirmation shall be such as may be most consistent with, and binding upon the conscience of the person to whom such eath or affirmation may be adminis-

Section 8. Freedom of speech and press. No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever, but every person shall be responsible for the abuse of this right. —

Section 9. Unreasonable searches or seizures. No law shall violate the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search, or seizure; and no warrant shall issue but upon probable cause, supported by oath, or affirmation, and particularly describing the place to be searched, and the person or thing to be seized. -

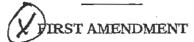
Section 10. Administration of justice. No court shall be secret, but justice shall be administered, openly and without purchase, completely and without delay, and every man shall have remedy by due course of law for injury done him in his person, property, or reputation.

Section 11. Rights of Accused in Criminal Prosecution. In all criminal prosecutions, the accused shall have the right to public trial by an impartial jury in the

45.

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#### RELIGION AND FREE EXPRESSION



Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

#### RELIGION

#### An Overview

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Madison's original proposal for a bill of rights provision concerning religion read; "The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, or on any pretence, infringed." The language was altered in the House to read: "Congress shall make no law establishing religion, or to prevent the free exercise thereof, or to infringe the rights of conscience." In the Senate, the section adopted read: "Congress shall make no law establishing articles of faith, or a mode of worship, or prohibiting the free exercise of religion, . . ." It was in the conference committee of the two bodies, chaired by Madison, that the present language was written with its some-

<sup>1</sup> ANNALS OF CONGRESS 434 (June B, 1789).

<sup>&</sup>lt;sup>2</sup>The committee appointed to consider Madison's proposals, and on which Madison served, with Vining as chairman, had rewritten the religion section to read: "No religion shall be established by law, nor shall the equal rights of conscience be infringed." After some debate during which Madison suggested that the word "national" might be inserted before the word "religion" as "point[ing] the amendment directly to the object it was intended to prevent," the House adopted a substitute reading: "Congress shall make no laws touching religion, or infringing the rights of conscience." I Annals of Congress 729–31 (August 15, 1789). On August 20, on motion of Fisher Ames, the language of the clause as quoted in the text was adopted. Id. at 766. According to Madison's biographer, "[t]bere can be little doubt that this was written by Madison." I. Brant, James Madison—Father of the Constitution 1787–1800 at 271 (1950),

<sup>&</sup>lt;sup>3</sup>This text, taken from the Senate Journal of September 9, 1789, appears in 2 B. Schwartz (ED.), The Bill of Rights: A Documentary History 1153 (1971). It was at this point that the religion clauses were joined with the freedom of expression clauses.

OSH Policy 7.006: Attachment A



### **Patient Grievance**



### Place completed form in the grievance box

Use one form for each grievance.

To help staff investigate, include as much detail as possible about your concern.

Patient Name: Que Pas/es	For Staff use only
Unit: MN>	Date Received: 5/16/23
Describe your grievance:	Grievance #: 48655
My room was illegally searched section &9 of the Oregon Bill of Righ	acording to Article 1
section 49 of the Oregon Bill of Righ	45.
. 0	
What have see the set and a second se	
What have you done so far to address your grievance?	
	•
What is your desired outcome?	
I would like to discuss my grievance with a Grievance C	ommittee member □Yes □No
Patient Signature:	Date: 5/5/21
Printed name of staff or representative who	1 5 4
helped fill out this form:	dra V. KN

INTERNAL USE ONLY OSH Grievance Form

In addition to the OSH grievance process, complaints can be filed with the state agency that

has licensure survey responsibility over OSH. See Patient Rights Board for information.

### Patient Grievance: Grievance Committee Response

Staff must complete all sections. Patients must be given a written response within 7 calendar days, even if they decline to meet. Exceptions to this timeline are only approved by the OSH Ombuds.

Patient name: DAVI A ROBIES			
Unit: MN 3 Date Unit Received: 5/16/23 Avatar #:			
Grievance #(s): 48655			
Screenings	Date Sent	Date of Grievance Review:	
Civil Rights: OSH Ombuds and Family Services	S .		
Allegation of Abuse: Office Training, Investigations and Safety	Patient met □ Patient declined to meet □		
The following staff contributed to this response:			
The following staff contributed to this response:  Information and unit response (attach additional pages, if needed)  ☐ This issue is ineligible for the grievance process. See attached letter for more information.			
Patient Signature:	Completion Date:		
<u></u>	Grievance Committee N	 Member 1 (Print):	
☐ Declined to sign	Grievance Committee M	, ,	

Distribute a completed two-sided copy to:

Patient; Ombuds and Family Services; Representative (if applicable); Program Director

# Patient Grievance: Grievance Committee Response 5/15/2023

While your IDT and OSH value your religious and free expression rights listed in Article, I Bill of Rights in the Constitution of Oregon we do not believe the restriction of computer privileges violates Freedom of Worship (section 2) and/or Freedom of Religious Opinion (section 3). The IDT would like to be supportive of our desire to serve peers via a non-profit and would consider working with you to develop a Supported Education goal to further your understanding and skills to deliver peer supported services in a religious context without the use of internet access and using manuals or textbooks. Presently you have options available to support and interact with peers at AA/NA meetings and/or DDA. Your computer access will continue to remain on hold based on history of utilizing the internet to engage in criminal behavior related to a non-profit organization as well as an independent investigation with authorities outside of OSH (the actions were a violation of your OSH Internet and Computer Use / Access Contract). Anything you need for your religious practice can be requested from Spiritual Care or your IDT and provided via means other than the internet. At this time the risk of reinstating computer access exceeds the potential benefit of this privilege.

Per OSH Policy 6.030 IE2 failure to follow the provisions in the "OSH Internet and Computer Use/Access Contract" or "Cell Phone Contract" (attached), or possession of devices not allowed under this policy may result in search and possible restriction from using the device or data.

Attached please find a copy of the above referenced policy and your signed Internet Contract.

If you disagree with this response you are encouraged to complete the attached grievance review within 7 days and be sure to include your original grievance and response.

Your IDT will discuss this with you at your next scheduled Treatment Care Plan Meeting.

#### ARTICLE I BILL OF RIGHTS

Natural rights inherent in people Sec. Freedom of worship Freedom of religious opinion No religious qualification for office
No money to be appropriated for religion
No religious test for witnesses or jurors
Manner of administering oath or affirmation Freedom of speech and press Unreasonable searches or seizures 10. Administration of justice 11. Rights of Accused in Criminal Prosecution .12 jeopardy; compulsory incrimination Treatment of arrested or confined persons Bailable offenses Foundation principles of criminal law Excessive bail and fines; cruel and unusual 16, punishments; power of jury in criminal case Jury trial in civil cases 17. 18 Private property or services taken for public 19. Imprisonment for debt 20. Equality of privileges and immunities of cit-21. Ex-post facto laws; laws impairing contracts; laws depending on authorization in order to take effect; laws submitted to electors 22 Suspension of operation of laws 23. Habeas corpus Corruption of blood or forfeiture of eptate Assemblages of people; instruction of repre-sentatives, application to legislature 27. Right to bear arms; military subordinate to civil power Quartering soldiers Titles of nobility; hereditary distinctions Emieration 32, Taxes and duties; uniformity of taxalion 33. Enumeration of rights not exclusive Slavery or involuntary servitude Sale of liquor by individual glass Penalty for aggravated murder Work and training for corrections institution inmates; work programs; limitations; duties of corrections director Rights of victim in criminal prosecutions and 42, juvenile court delinquency proceedings 43, Rights of victim and public to protection from accused person during criminal pro-ceedings; denial of pretrial release Term of imprisonment imposed by court to be fully served; exceptions

Section 1. Natural rights inherent in people. We declare that all men, when they form a social compact are equal in right: that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper.

jury in criminal case

on account of sex

Person convicted of certain crimes not eligi-

ble to serve as juror on grand jury or trial

Prohibition on denial or abridgment of rights

Section 2. Freedom of worship. All men shall be secure in the Natural right, to worship Almighty God according to the dictates of their own consciences.

Section 3. Freedom of religious opinion. No law shall in any case whatever control the free exercise, and enjoyment of religeous step opinions, or interfere with the rights of conscience.—

Section 4. No religious qualification for office. No religious test shall be required as a qualification for any office of trust or profit. —

Section 5. No money to be appropriated for religion. No money shall be drawn from the Treasury for the benefit of any religeous [sic], or theological institution, nor shall any money be appropriated for the payment of any religeous [sic] services in either house of the Legislative Assembly.

Section 6. No religious test for witnesses or jurors. No person shall be rendered incompetent as a witness, or juror in consequence of his opinions on matters of religeon [sic]; nor be questioned in any Court of Justice touching his religeous [sic] belief to affect the weight of his testimony.—

Section 7. Manner of administering cath or affirmation. The mode of administering an oath, or affirmation shall be such as may be most consistent with, and binding upon the conscience of the person to whom such oath or affirmation may be administered.

Section 8. Freedom of speech and press. No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right. —

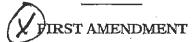
Section 9. Unreasonable searches or seizures. No law shall violate the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search, or seizure; and no warrant shall issue but upon probable cause, supported by oath, or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.—

Section 10. Administration of justice. No court shall be secret, but justice shall be administered, openly and without purchase, completely and without delay, and every man shall have remedy by due course of law for injury done him in his person, property, or reputation. —

Section 11. Rights of Accused in Criminal Prosecution. In all criminal prosecutions, the accused shall have the right to public trial by an impartial jury in the

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#### RELIGION AND FREE EXPRESSION



Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

#### RELIGION

#### An Overview

Madison's original proposal for a bill of rights provision concerning religion read; "The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, or on any pretence, infringed." The language was altered in the House to read: "Congress shall make no law establishing religion, or to prevent the free exercise thereof, or to infringe the rights of conscience." In the Senate, the section adopted read: "Congress shall make no law establishing articles of faith, or a mode of worship, or prohibiting the free exercise of religion, . . ." It was in the conference committee of the two bodies, chaired by Madison, that the present language was written with its some-

more than gold from the 1859, let or

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<sup>11</sup> Annals of Congress 434 (June 8, 1789).

EThe committee appointed to consider Madison's proposals, and on which Madison served, with Vining as chairman, had rewritten the religion section to read: "No religion shall be established by law, nor shall the equal rights of conscience be infringed." After some debate during which Madison suggested that the word "national" might be inserted before the word "religion" as "pointling the amendment directly to the object it was intended to prevent," the House adopted a substitute reading: "Congress shall make no laws touching religion, or infringing the rights of conscience." I Annals of Congress 729–31 (August 15, 1789), On August 20, on motion of Fisher Ames, the language of the clause as quoted in the text was adopted. Id. at 766. According to Madison's biographer, "[t]here can be little doubt that this was written by Madison." I, Brant, James Madison—Father of the Constitution 1787–1800 at 271 (1950).

<sup>&</sup>lt;sup>3</sup>This text, taken from the Senate JOURNAL of September 9, 1789, appears in 2 B. SCHWARIZ (ED.), THE BILL OF RIGHTS: A DOCUMENTARY HISTORY 1153 (1971). It was at this point that the religion clauses were joined with the freedom of expression clauses.

# THE AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES AS RATIFIED BY THE STATES

# Preamble to the Bill of Rights

Congress of the United States begun and held at the City of New-York, on Wednesday the fourth of March,

THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all, or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz.

ARTICLES in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

(Note: The first 10 amendments to the Constitution were ratified December 15, 1791, and form what is known as the "Bill of Rights.")

### Amendment I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

### Amendment II.

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

### Amendment III.

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

### Amendment IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

### Amendment V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

#### **DELAWARE**

Geo: Read
Gunning Bedford jun
John Dickinson
Richard Bassett
Jaco: Broom

#### MARYLAND

James McHenry

Dan of St. Thos. Jenifer

Danl Carroll

#### VIRGINIA

John Blair-James Madison Jr.

#### NORTH CAROLINA

Wm. Blount Richd. Dobbs Spaight Hu Williamson

#### SOUTH CAROLINA

J. Rutledge Charles Cotesworth Pinckney Charles Pinckney Pierce Butler

#### **GEORGIA**

William Few Abr Baldwin

Attest William Jackson Secretary

In Convention Monday September 17th, 1787.

Present

The States of

New Hampshire, Massachusetts, Connecticut, Mr. Hamilton from New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

#### Resolved,

That the preceeding Constitution be laid before the United States in Congress assembled, and that it is the Opinion of this Convention, that it should afterwards be submitted to a Convention of Delegates, chosen in each State by the People thereof, under the Recommendation of its Legislature, for their Assent and Ratification; and that each Convention assenting to, and ratifying the Same, should give Notice thereof to the United States in Congress assembled. Resolved, That it is the Opinion of this Convention, that as soon as the Conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix a Day on which Electors should be appointed by the States which shall have ratified the same, and a Day on which the Electors should assemble to vote for the President, and the Time and Place for commencing Proceedings under this Constitution

That after such Publication the Electors should be appointed, and the Senators and Representatives elected: That the Electors should meet on the Day fixed for the Election of the President, and should transmit their Votes certified, signed, sealed and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled, that the Senators and Representatives should convene at the Time and Place assigned; that the Senators should appoint a President of the Senate, for the sole Purpose of receiving, opening and counting the Votes for President; and, that after he shall be chosen, the Congress, together with the President, should, without Delay, proceed to execute this Constitution

By the unanimous Order of the Convention

Go. Washington-Presidt: W. JACKSON Secretary.

<sup>\*</sup> Language in brackets has been changed by amendment.

### Amendment VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

### Amendment VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

### Amendment VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

### Amendment IX.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

### Amendment X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

**AMENDMENTS 11-27** 

### Amendment XI.

Passed by Congress March 4, 1794. Ratified February 7, 1795.

(Note: A portion of Article III, Section 2 of the Constitution was modified by the 11th Amendment.)

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

### Amendment XII.

Passed by Congress December 9, 1803. Ratified June 15, 1804.

(Note: A portion of Article II, Section 1 of the Constitution was changed by the 12th Amendment.)

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;-The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. [And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death or other constitutional disability of the President.-]\* The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

\*Superseded by Section 3 of the 20th Amendment.

### Amendment XIII.

Passed by Congress January 31, 1865. Ratified December 6, 1865.

(Note: A portion of Article IV, Section 2 of the Constitution was changed by the 13th Amendment.)

#### SECTION 1

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

#### **SECTION 2**

Congress shall have power to enforce this article by appropriate legislation.

### Amendment XIV.

Passed by Congress June 13, 1866. Ratified July 9, 1868.

(Note: Article I, Section 2 of the Constitution was modified by Section 2 of the 14th Amendment.)

#### **SECTION 1**

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

#### SECTION 2

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, [being twenty-one years of age,]\* and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

#### **SECTION 3**

No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

#### **SECTION 4**

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

#### SECTION 5

The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

\*Changed by Section 1 of the 26th Amendment.

### Amendment XV.

Passed by Congress February 26, 1869. Ratified February 3, 1870.

#### SECTION 1

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

#### SECTION 2

The Congress shall have the power to enforce this article by appropriate legislation.

### Amendment XVI.

Passed by Congress July 2, 1909. Ratified February 3, 1913.

(Note: Article I, Section 9 of the Constitution was modified by the 16 h Amendment.)

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

### Amendment XVII.

Passed by Congress May 13, 1912. Ratified April 8, 1913.

(Note: Article I, Section 3 of the Constitution was modified by the 17th Amendment.)

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

### Amendment XVIII.

Passed by Congress December 18, 1917. Ratified January 16, 1919. Repealed by the 21 Amendment, December 5, 1933.

#### SECTION 1

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

#### **SECTION 2**

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

#### **SECTION 3**

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

### Amendment XIX.

Passed by Congress June 4, 1919. Ratified August 18, 1920.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

### Amendment XX.

Passed by Congress March 2, 1932. Ratified January 23, 1933.

(Note: Article I, Section 4 of the Constitution was modified by Section 2 of this Amendment. In addition, a portion of the 12th Amendment was superseded by Section 3.)

#### SECTION 1

The terms of the President and the Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

#### **SECTION 2**

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

#### **SECTION 3**

If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

#### **SECTION 4**

The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

#### SECTION 5

Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

#### SECTION 6

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

### Amendment XXI.

Passed by Congress February 20, 1933. Ratified December 5, 933.

#### SECTION 1

The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

#### SECTION 2

The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

#### **SECTION 3**

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

### Amendment XXII.

Passed by Congress March 21, 1947. Ratified February 27, 951.

#### SECTION 1

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

#### SECTION 2

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

### Amendment XXIII.

Passed by Congress June 16, 1960. Ratified March 29, 1961.

#### SECTION 1

The District constituting the seat of Government of the United States shall appoint in such manner as Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

#### SECTION 2

The Congress shall have power to enforce this article hy appropriate legislation.

### Amendment XXIV.

Passed by Congress August 27, 1962. Ratified January 23, 1964.

#### SECTION 1

The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay poll tax or other tax.

#### **SECTION 2**

The Congress shall have power to enforce this article by appropriate legislation.

### Amendment XXV.

Passed by Congress July 6, 1965. Ratified February 10, 1967. (Note: Article II, Section 1 of the Constitution was modified by the 25th Amendment.)

#### SECTION 1

In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

#### SECTION 2

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

#### **SECTION 3**

Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

#### **SECTION 4**

Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

### Amendment XXVI.

Passed by Congress March 23, 1971. Ratified July 1, 1971.

(Note: Amendment 14, Section 2 of the Constitution was modified by Section 1 of the 26th Amendment.)

#### SECTION 1

The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

#### **SECTION 2**

The Congress shall have power to enforce this article by appropriate legislation.

### Amendment XXVII.

Originally proposed Sept. 25, 1789. Ratified May 7, 1992.

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of representatives shall have intervened.

### **OREGON STATE HOSPITAL**

#### **POLICIES AND PROCEDURES**

SECTION 8: Safety, Security, Emergency Management Policy: 8.014

SUBJECT: Room, Unit, Treatment Mall Searches

POINT PERSON:

SAFETY & SECURITY DIRECTOR

APPROVED: DOLORES MATTEUCCI

SUPERINTENDENT

#### I. POLICY

A. Oregon State Hospital (OSH) will maintain a safe and secure treatment environment by implementing guidelines for unannounced and scheduled searches of patient rooms, units, and treatment malls. All searches will be a collaborative effort between Security, other health care personnel (HCP), and patients. This policy does not apply to environmental checks or other related processes directed by Nursing Services protocols.

**DATE: March 20, 2019** 

- B. A search may only be conducted if authorized by the appropriate program director or treatment mall manager. If the program director is unable to be reached to authorize the search, the Safety and Security Director may authorize the search.
- C. An unannounced search may be conducted as needed in response to reasonable cause to suspect presence of contraband, prohibited item(s), missing item(s), or for other identified safety, security, or treatment risks.
- D. An unannounced search of each unit and treatment mall will be conducted at least annually by the Safety and Security Department to locate potential contraband, prohibited items, and safety hazards.
- E. Security must notify the relevant program director and treatment mall manager prior to a search being conducted.
- F. Before a patient's room is searched, the patient must be informed of the search. The patient must be given opportunity to monitor the room search process.
- G. Common areas may be searched without patients being present.
- H. HCP must follow Procedures A, "Room Search Process," to conduct a room search. At least two HCP must be present during any room search.
- 1. HCP must follow Procedures B, "Unit Search Process," to conduct a unit search.

SUBJECT: Room, Unit, Treatment Mall Searches POLICY NUMBER 8.014

DATE: March 20, 2019 PAGE 2 OF 3

- J. HCP must follow Procedures C, "Treatment Mall Search Process," to conduct a treatment mall search.
- K. If a personal search of a patient is considered to be necessary during a room, unit, or treatment mall search, HCP must follow OSH Policy and Procedures 8.041, "Personal Searches".
- L. Found contraband or prohibited items must be handled in accordance with the procedures in OSH Policies and Procedures 8.019, "Staff Response to Alleged Criminal Acts and Contraband"; 8.037, "Patient Property and Valuables: Handling and Storage"; 8.044, "Contraband and Prohibited Items"; and Oregon Administrative Rule (OAR) 309-108-0015.
- M. Upon authorization from the Superintendent, the Safety and Security Director may enlist assistance from the Department of Corrections Search Team.
- N. A HCP who fails to comply with this policy or related procedures may be subject to disciplinary action, up to and including dismissal.

#### II. DEFINITIONS

- A. "Chain of custody" means an unbroken, documented trail of accountability that proves the physical security, including movement and location, of an item.
- B. "Contraband" has the same definition as that in OSH Policy and Procedure 8.044, "Contraband and Prohibited Items."
- C. <u>"Health care personnel (HCP)"</u> for the purposes of this policy means the population of health care workers working in the OSH healthcare setting. HCP might include, but is not limited to: physicians, nurses, nursing assistants, therapists, technicians, dental personnel, pharmacists, laboratory personnel, students and volunteers, trainees, contractual staff not employed by the facility, and persons not directly involved in patient care (e.g., clerical, dietary, housekeeping, maintenance).
- D. <u>"Prohibited items"</u> has the same meaning as that in OSH Policy and Procedure 8.044, "Contraband and Prohibited Items".
- E. "Reasonable cause" means a person has knowledge, notice of facts or circumstances which would lead a person of ordinary care and prudence to have strong suspicion.

#### III. PROCEDURES

Procedures A Room Search

Procedures B Unit Search

Procedures C Treatment Mall Search

SUBJECT: Room, Unit, Treatment Mall Searches POLICY NUMBER 8.014

DATE: March 20, 2019 PAGE 3 OF 3

#### IV. FORMS

Search Report Form S020-T3

Search Supplement Form S020-T4

#### V. REFERENCES

42 CFR §482.13(c).

Oregon Administrative Rules §§ 309-108-000 — 309-108-0020.

Oregon Revised Statute § 162.135.

Oregon Revised Statute § 162.185.

Oregon State Hospital Policy and Procedure Manual. Contraband and prohibited items, 8.044. Author.

Oregon State Hospital Policy and Procedure Manual. Incident reporting, 1.003. Author.

Oregon State Hospital Policy and Procedure Manual. Patient property and valuables, 8.037. Author.

Oregon State Hospital Policy and Procedure Manual. Patient rights, 7.005. Author.

Oregon State Hospital Policy and Procedure Manual. Personal searches, 8.041. Author.

Oregon State Hospital Policy and Procedure Manual. Staff response to alleged criminal acts and contraband, 8.019. Author.

1-800-452-7636

James Franis 503-585-295 PROCEDURES A Room Search POLICY NUMBER 8.014

DATE March 20, 2019 PAGE 1 of 2

Responsible Person/Group	Procedures
Nurse manager (or designee)	When a room search is deemed necessary in accordance with OSH Policy 8.014:
	Request authorization from the program director for patient room search: Provide the following information to the program director:     a. reasonable cause to suspect the presence of contraband, prohibited items, or drugs; or
	b. the security or safety risk that poses a danger to patients or others.
	Determine if additional staff will be necessary for the search.     Contact Security manager or designee to coordinate the search, if necessary.
	Designate a HCP to lock the patient's room until the search is conducted.
	5. Establish a chain of custody for contraband or prohibited items located during room search.
	6. Communicate results to the program director.
Program director	1. Review search request.
	2. Authorize the search if deemed necessary.
	3. Review search results.
Security Director or manager	<ol> <li>Coordinate Security assistance.</li> <li>Develop plan with HCP about scope of search, search plan, and possible risks.</li> </ol>
	3. Assign or lead a Security team to assist with room search.
	Review and assist with documentation of chain of custody, evidence handling, and incident reports from Security staff.
	5. If contraband or prohibited items are found, follow OSH Policies and Procedures 8.019, "Staff Response to Alleged Criminal Acts and Contraband"; 8.037, "Patient Property and Valuables: Handling and Storage"; 8.044, "Contraband and Prohibited Items"; and Oregon Administrative Rule (OAR) 309-108-0015.
Security staff	Complete search according to established plan.
	Complete incident reports as necessary per OSH Policy and Procedure 1.003, "Incident Reporting".

PROCEDURES A	Room Search	POLICY NUMBER 8.014
DATE	March 20, 2019	PAGE 2 of 2

## MHT, nurse, or MHST

- 1. Coordinate resources to assist with the unannounced search with the on-shift Security manager.
- 2. Inform the patient of the search and offer the patient opportunity to observe the search.
- 3. Conduct a security check of the patient as outlined in OSH Policy and Procedure, 8.041, "Personal Searches."
- 4. Allow the patient to be present for the room search by:
  - a. Placing a chair about two feet from the patient's room door to sit on or stand by. The patient may not enter the room until the search is complete.
  - b. Search the patient's property inside of the room.
  - c. Return the patient's property to original state or location.
- 5. Remove any prohibited items, contraband, or missing equipment from patient's room.
- Document the reason for the search and any outcome of concern in the patient's medical record. If the patient chooses not to be present for the search, document the choice in the medical record.
- 7. Return found items to unit HCP. Follow OSH Policy and Procedure 8.044, "Contraband and Prohibited Items" when handling prohibited items.

PROCEDURES B Unit Search

DATE March 20, 2019

POLICY NUMBER 8.014
PAGE 1 of 2

TE	March 20, 2019

Responsible Person/Group	Procedures	
Nurse manager (or designee)	When a unit search is deemed necessary in accordance with OSH Policy 8.014:	
	Request authorization from the program director for the unit search. Provide the following information to the program director:	
	<ul> <li>a. reasonable cause to suspect the presence of contraband, prohibited items, or drugs; or</li> </ul>	
	<ul> <li>b. the security or safety risk that poses a danger to patients or others.</li> </ul>	
	2. Determine if additional staff will be necessary for the search.	
	Contact Security manager or designee to coordinate the search, if necessary.	
	Designate a HCP to lock patient rooms until the search is conducted.	
	5. Assist with the common area and patient rooms search. Follow Procedures A, "Room Search".	
	Establish a chain of custody for contraband or prohibited items located during the search.	
	7. Communicate results to the program director.	
Program director	1. Review search request.	
	2. Authorize search if deemed necessary.	
	3. Review search results.	
Security Director	Arrange scheduled searches by:	
or manager	a. developing a search schedule,	
	b. coordinating Security staff, and	
	c. notifying the program director prior to the search.	
	2. Coordinate Security assistance with unit HCP.	
	Develop plan with HCP and program director about scope of search, search plan, and possible risks.	
	4. Assign or lead a Security team to assist with search.	
	5. If contraband or prohibited items are found, follow OSH Policies and Procedures 8.019, "Staff Response to Alleged Criminal Acts and Contraband"; 8.037, "Patient Property and Valuables: Handling and Storage"; 8.044, "Contraband and Prohibited Items"; and Oregon Administrative Rule (OAR) 309-108-0015.	
	6. Document the search.	
	7. Review and assist with documentation of chain of custody, evidence handling, and incident reports from Security staff.	

Procedures B	Unit Search	Policy Number 8.014
DATE	March 20, 2019	PAGE 2 of 2

	Provide a written report and risk assessment to the program director.	
Security staff	Complete search according to established plan.     Complete incident reports as necessary per OSH Policy and Procedure 1.003, "Incident Reporting".	
MHT, nurse, or MHST	<ol> <li>Procedure 1.003, "Incident Reporting".</li> <li>Verify no patients are inside of rooms and lock rooms.</li> <li>Search common areas and tub room before starting unit search.</li> <li>Conduct a security check of each patient as outlined in OSH Policy and Procedure, 8.041, "Personal Searches."</li> <li>Allow patients to be in common areas, activity rooms, or air cour 5. Follow Procedures A, "Room Search" to conduct each patient room search.</li> <li>If there are any findings of concern, document the findings in the patient's medical record.</li> <li>Return found items to unit HCP. Follow OSH Policy and Procedure 8.044, "Contraband and Prohibited Items" when handling prohibited items.</li> </ol>	

PROCEDURES C Treatment Mall Search POLICY NUMBER 8.014

DATE March 20, 2019 PAGE 1 of 2

Responsible Person/Group	Procedures				
HCP	When a treatment mall search is deemed necessary in accordance with OSH Policy 8.014:				
	Request authorization from the treatment mall manager for a treatment mall search. Provide the following information to the treatment mail manager:				
	reasonable cause to suspect the presence of contraband,     prohibited items,				
	b. missing items that pose risk, or				
	c. the security or safety risk that poses a danger to patients or others.				
	2. If there is reason to believe a patient may have a missing item, consider requesting a security check for each patient who could have accessed the item. Follow OSH Policy and Procedures 8.041, "Personal Searches."  2. If there is reason to believe a patient may have a missing item, consider requesting the patient may have a missing item, consider requesting the patient may have a missing item, consider requesting the patient may have a missing item, consider requesting a security check for each patient who could have accessed the item. Follow OSH Policy and Procedures 8.041, "Personal Searches."				
Treatment mall HCP	After receiving authorization for an unannounced search, notify the Safety and Security Department.				
	Coordinate a search plan with the on-shift Security manager to determine:				
	a. area requiring search,				
	b. the missing items or equipment, and				
	c. identify patients who may have accessed a missing item.				
	Begin the search when patients are not present on the treatment mall unless there is reasonable cause to believe an item missed during the staff's inventory check was accounted for before the treatment mall was started.				
	Be present to assist with Security during the search.				
	5. Designate a HCP to lock rooms.				
	6. If deemed necessary, conduct a security check of each patient who may have been involved in the incident as outlined in OSH Policy & Procedure, 8.041, "Personal Searches".				
	7. Document the outcome of the search and any findings of concern in the relevant patient's medical record.				
	Return found items to treatment mall HCP. Follow OSH Policy and Procedure 8.044, "Contraband and Prohibited Items" when handling prohibited items.				

PROCEDURES C	Treatment Mall Search	POLICY NUMBER 8.014
DATE	March 20, 2019	PAGE 2 of 2

Treatment mall	Review search request.
manager	Authorize search if deemed necessary.
	3. Review search results.
Security Director or Manager	Arrange scheduled searches by:
or wanager	a. developing a search schedule,
	b. coordinating Security staff, and
	c. notifying the treatment mall manager prior to the search.
	Develop plan with HCP and the treatment mall manager about scope of search, search plan, and possible risks.
	3. Assign or lead a Security team to assist with the search.
	4. Document search results.
	Provide a written report and risk assessment to the treatment mall manager.
	Review and assist with documentation of chain of custody, evidence handling, and incident reports from Security staff.
	7. If contraband or prohibited items are found, follow OSH Policies and Procedures 8.019, "Staff Response to Alleged Criminal Acts and Contraband"; 8.037, "Patient Property and Valuables: Handling and Storage"; 8.044, "Contraband and Prohibited Items"; and Oregon Administrative Rule (OAR) 309-108-0015.
Security staff	Complete search according to established plan.
	2. Complete incident reports as necessary.
MHST or HCP	If needed, conduct a security check of the patient as outlined in OSH Policy & Procedure, 8.041, "Personal Searches."
	2. Return patients back to the unit.
	3. If needed, assist treatment mall HCP with search.
	4. Document the treatment mall search in an incident report.

### BEFORE THE PSYCHIATRIC SECURITY REVIEW BOARD

### OF THE STATE OF OREGON

In the Matter	) PSRB No. 86-0860 ) OSH PatID No. 82231
of .	) Yamhill County No. CR110171DV (DA# ) 103006)
DAVID MARTINEZ ROBLES	) ) COMMIT ORDER

This matter came before the Psychiatric Security Review Board on February 23, 2022, for a hearing pursuant to ORS 161.341(3). Board members present by video were Trisha Elmer, P.P.O., Julie Duke and Scott Reichlin, M.D., Chair. David Robles was present by video from the hearings room at the Oregon State Hospital in Junction City and his attorney, Harris Matarazzo, was present by video from the Hearings Room at the Oregon State Hospital in Salem. Assistant Attorney General Dan Toulson was present by video representing the State. The burden of proof as well as the burden of going forward was on Mr. Robles.

Prior to taking opening statements, Chair Reichlin reminded the parties that any protected information contained in the record or submitted to the Board is subject to the Protective Order which is contained in the Board's Exhibit 472. In addition, Chair Reichlin noted that an exhibit had been submitted by Mr. Robles prior to the hearing, which will be admitted as Exhibit 486. No objections were heard.

At the outset of the hearing, the parties stipulated that David Robles suffers from a qualifying mental disorder. In his opening statement, Attorney Matarazzo stated that he is seeking a discharge on behalf of his client or, in the alternative, that an evaluation for conditional release be ordered. Later, Attorney Matarazzo argued that he believes that Mr. Robles is no longer a danger to others, citing his insight into his mental illness, the need to remain sober, and medication compliance. Attorney Matarazzo stated that it is his contention that the reason Mr. Robles was dangerous in the past was due to substance abuse, and that a nexus between the qualifying mental disorder and dangerousness has not been established. Acknowledging that Mr. Page 1 - COMMIT ORDER - DAVID MARTINEZ ROBLES

Robles engages in rule violations and unwelcomed behaviors, Attorney Matarazzo indicate that those are a result of a personality disorder only. Finally, Attorney Matarazzo indicated that any existing relational disfunction has been resolved since his parents, the victims of the instant offense, are now deceased.

In his opening statement, AAG Larsen urged the Board to accept the stipulation to a qualifying mental disorder. AAG Larsen stated that the State objects to a jurisdictional discharge, as well as an evaluation for conditional release, citing the State's belief that when Mr. Robles' qualifying mental disorder is active, he is a substantial danger to others. AAG Larsen did reserve the right to change his position, based on testimony that may be presented at the hearing. Later, AAG Toulson stated that the State continues to object to discharge as well as an evaluation for conditional release. AAG Toulson added that, based on the testimony at the hearing today, as well as the documentary evidence, an evaluation for conditional release is premature at this time, particularly in light of the numerous revocations that Mr. Robles has experienced.

The Board, having received four hundred eighty-six exhibits without objection, excluding any designated victim impact statements, and after considering all the evidence admitted on the record, FINDS AS FACT that:

- 1. David Robles was found guilty except for insanity of the crime of Burglary I and was placed under the jurisdiction of the Psychiatric Security Review Board for a maximum period of time not to exceed 20 years by Yamhill County Circuit Court Judge Carroll J. Tichenor on January 25, 2012.
- 2. David Robles is affected by a qualifying mental disorder as demonstrated by the stipulation of the parties at the outset of the hearing.
- David Robles, without adequate supervision and treatment, would continue to present a substantial danger to others as demonstrated by the underlying facts shown by the evidence. In making this finding, the Board recognizes and finds that Mr. Robles does also suffer from a non-qualifying condition, to wit, Narcissistic Personality Disorder (Exhibits 471, 476, 478, 480, 482, and 483). The Board considered the testimony of Simrat Sethi, M.D., who testified at the hearing that the symptoms of Mr. Robles's qualifying mental disorder are presently well controlled with his medication regimen, that he is taking his

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medications voluntarily, that he has developed insight into his need to take medications, and that it is Mr. Robles's personality factors that are currently the barrier to his conditional release. However, the Board rejects the argument that this fact pattern supports that Mr. Robles must be discharged from the Board's jurisdiction. Rather, the Board considers the ameliorating impact that medications and 24-7 supports and services provided at the Oregon State Hospital have on Mr. Robles's psychiatric stability and risk of dangerousness. In that context, the Board finds that a preponderance of the evidence supports that if the symptoms of Mr. Robles's qualifying mental disorder were to become active, that they would combine with his non-qualifying conditions to cause him to be more dangerous than he would be with only the non-qualifying condition. This finding is supported by Dr. Sethi's unequivocal testimony that if the symptoms related to Mr. Robles's qualifying mental disorder, including mania expressed as pressured speech, grandiose ideation, labile effect, poor insight and social intrusiveness, were to become active in the future, Mr. Robles would become a substantial danger to others. Notwithstanding Mr. Robles's purported insight into his qualifying mental disorder and need for medications, Dr. Sethi also testified that if Mr. Robles was discharged from the Board's jurisdiction, he would be concerned that Mr. Robles would stop seeking care or that his medication compliance would wane. The most recent START, dated February 17, 2022, as found in Exhibit 457, describes Mr. Robles's dangerousness when he is not properly medicated:

Mr. Robles has a reported history of violence or threat-making when he is not stable psychiatrically. He has a history of manic episodes and psychosis when not medicated properly. This includes an episode of arson. Mr. Robles has a history of community and inpatient supervision problems, which appear primarily due to narcissistic features that lead him to break rules, argue against authority, and attempts to minimize or rationalize his behaviors. Furthermore, he has demonstrated some antisocial attitudes by arguing he should not be held to system or other rules.

Further supporting this finding are the circumstances surrounding the crime of Arson I, for which he was previously placed under the jurisdiction Psychiatric Security Review Board for a period of 20 years, as described in the police reports contained in Exhibit 3. In addition are the circumstances surrounding the crime of Burglary I, for which he is currently placed under the jurisdiction of the Psychiatric Security Review Board, as described in the police reports contained in Exhibit 68. Further supporting this finding is Mr. Robles' extensive criminal history as shown in Exhibit 4. This finding is further supported by the documentation of dangerous behavior as well as opinions regarding Mr. Robles' dangerousness contained in Exhibits 2, 6, 73, 76, 81, 82, 86-87, 93-94, 100, 103, 109, 117-118, 148, 153, 160-161, 186, 194, 199, 206, 209, 215, 220, 225, 231, 233, 239-240, 251, 253, 256, 263, 265, 268, 271, 302, 309, 339, 345-346, 354-355, 368, 372, 374, 374-376, 380-382, 389, 408, 418, 420, 425, 430, 440, 444, 456, and 467.

- 4. David Robles did not prove by a preponderance of the evidence his fitness for discharge as required by the standards contained in ORS 161.351.
- David Robles could not be adequately controlled and treated in the community if he were conditionally released at this time. This finding is based upon the evidence in the record, including the expert testimony of Simrat Sethi, M.D., at the hearing, including unequivocal testimony that Mr. Robles was properly placed at the Oregon State Hospital at this time. Dr. Sethi further testified about hospital protocols associated with their recommending to the Board that an individual is ready for conditional release and further testified that Mr. Robles has not yet proceeded through the usual channels to be considered for conditional release, opining that an evaluation would, therefore, be premature at this time. When questioned by the Board as to whether or not there would be any reason for Mr. Robles to gain a conditional release without going through the normal channels, Dr. Sethi replied in the negative, stating that the usual channels would be the most appropriate, given the number of revocations that Mr. Robles has had, clarifying that there have been four revocations since 2012.

In support of his opinion, Dr. Sethi referenced Exhibit 457, a Risk Review Report dated July 27, 2021, in which the Risk Review Team stated that

...off-grounds privileges were denied as Mr. Robles is not presently engaging in treatment to address factors that have resulted in his previous revocations. Risk Review asked Mr. Robles to focus upon developing insight regarding rule-breaking behavior and problems with authority figures and to discuss how he is actively addressing these concerns at future Risk Reviews.

Dr. Sethi also opined through his testimony that the elements to include in a future conditional release plan include medication adherence, on-going sobriety, and desisting from the personality related issues, including rule breaking behaviors. Dr. Sethi testified that past examples of Mr. Robles's rule breaking behaviors include inappropriate internet use, setting up businesses without permission, and getting into conflicts with authority figures.

### The Board CONCLUDES AS A MATTER OF LAW that:

- 1. David Robles, being affected by a qualifying mental disorder which, when active, renders him a substantial danger to others, is under the jurisdiction of the Psychiatric Security Review Board.
- 2. David Robles is not a proper subject for conditional release because he could not be adequately controlled and treated in the community, and therefore, it would not be in the best interest of justice and the protection of society to release him at this

time. IT IS HEREBY ORDERED, pursuant to ORS 161.346(1)(c) and 161.351(2) that David Robles be continued in commitment at a state hospital designated by the Oregon Health Authority for care, custody and treatment. The Board denied the request for a community evaluation at this time. This order may be appealed pursuant to ORS 161.348. DATED this 31st day of March, 2022. Psychiatric Security Review Board Member 

Case 6:23-cv-00762-MC Document 1 Filed 05/24/23 Page 44 of 131 https://publicaccess.courts.oregon.gov/PublicAccessLogin/CaseDetail.aspx?CaseID=2869074 3/3/23, 1:53 PM

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### REGISTER OF ACTIONS Case No. CR110171DV

State of Oregon VS. DAVID ROBLES

§ § Š § Case Type: Offense Felony Date Filed: 03/25/2011

Location: Yamhill District Attorney Number: 103006

RELATED CASE INFORMATION

§

Related Cases

RO110054 (Family)

PARTY INFORMATION

Defendant

ROBLES, DAVID Also Known As DAVID,

MARTINEZ ROBLES 547 SW CYPRESS ST MCMINNVILLE, OR 97128 SID: OR05099628

Male White DOB: 1957 5' 6", 180 lbs **Attorneys** 

Gregorio A Perez-Selsky Court Appointed 503 857 6509(AV)

Plaintiff

State of Oregon

KATHRYN PETERSEN 503 434-7539(W)

Yamhill County District Attorney

CHARGE INFORMATION

Charges: ROBLES, DAVID

Burglary-1 Menacing 3. Harassment

Statute'

164,225

163,190

166.065(3)

Level Felony Class A Misdemeanor Class A Misdemeanor Class B

Date 03/09/2010 03/09/2010 03/09/2010

EVENTS & ORDERS OF THE COURT

DISPOSITIONS

01/25/2012

Disposition (Judicial Officer: Unassigned, Judge)

Burglary-1

Finding - Guilty Except For Insanity

Created: 01/30/2012 12:00 AM

01/25/2012 Judgment By Court Trial (Judicial Officer: Tichenor, Carroll J)

1. Burglary-1

Converted Disposition:

Psychiatric Review Board - Year(s): 20.00

Comment (Defendant to report to Yamhill County Adult Mental Health for evaluation by the Oregon Health Author- ity and/or Psychiatric Security Review Board liason)

Created: 01/25/2012 12:00 AM

01/25/2012 Amended Judgment Amended (Judicial Officer: Tichenor, Carroll J) Reason: Supersedes Previous Judgment

1. Burglary-1

Converted Disposition:

Psychiatric Review Board - Year(s): 20.00

Comment (Defendant is appropriate for conditional release pursuant to ORS 161.327(2)(b); it is also ordered that the def report immediately to Yamhill Co Adult Mental Health for evaluation by the Oregon Health Authority and/or Psychiatric Security Review Board liason)

Created: 01/25/2012 12:00 AM

02/02/2012 Disposition (Judicial Officer: Unassigned, Judge)

2. Menacing

Dismissed

Harassment

Dismissed

Created: 02/02/2012 12:00 AM

OTHER EVENTS AND HEARINGS

03/25/2011 Secret Indictment

Created: 03/25/2011 12:00 AM

03/25/2011 Order - Arrest Warrant (Judicial Officer: Tichenor, Carroll J ) Court Action: Signed; Court Action Date: 03/28/2011;

م برور		
1	IN THE CIRCUIT COURT	STATE OF OREGON OF THE STATE OF OREGON THE STATE OF OREGON TRIAL COURT
3	1 117	JNTY OF YAMHILL 2012 JAN 25 PH 2:00
4	THE STATE OF OREGON,	TRIAL COURT ADMINISTRATOR
5	Plaintiff,	) No. CR110171DV
6	v.	) JUDGMENT AND
7		) ORDER UPON FINDING ) OF GUILTY EXCEPT FOR ) INSANITY
8	DAVID ROBLES.	) INSANTT
9	Defendant.	
10.	T. 110 143	
11	I HIS MATTER came before the court	on January 23, 2012 and January 25, 2012, for a

THIS MATTER came before the court on January 23, 2012 and January 25, 2012, for a stipulated facts trial to the court. Defendant appeared in person with his attorney, Greg Perez-Selsky, and the State of Oregon appeared by Kathryn Petersen, Deputy District Attorney for Yamhill County, and;

IT APPEARING TO THE COURT that the defendant has given notice of intent to rely on evidence of mental disease or defect as an affirmative defense; and

IT FURTHER APPEARING TO THE COURT that on January 23, 2012 and January 25, 2012, the matter came to trial before the court, the defendant having waived his right to trial by jury in writing; and the court having heard the evidence of the State and the defendant, and being fully advised in the premises

#### THE COURT HEREBY FINDS:

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That the defendant, David Robles, committed the act alleged in Count 1 of the Indictment constituting the crime of Burglary in the First Degree;

That, based on a letter from Joseph Arnold, M.D., dated January 19, 2012 and testimony from Stewart Stout on January 23, 2012, that the defendant is affected by a mental disease or defect;

JUDGMENT AND ORDER UPON FINDING OF GUILTY EXCEPT FOR INSANITY
Page 1

DISTRICT ATTORNEY Yamhill County Courthouse McMinnville; Oregon 97128 (503) 472-9371 That as a result of mental disease or defect at the time of engaging in criminal conduct, the defendant lacked substantial capacity either to appreciate the criminality of his actions or to conform his conduct to the requirements of the law;

That the defendant would have been guilty of a felony charge during a criminal episode.

That the victim of the crime, Melchor Robles, residing at 5165 SE Booth Bend Road, McMinnville OR 97128, does desire notification of any Psychiatric Security Review Board and/or Oregon Health Authority hearings, conditional release, discharge or escape of the defendant.

IT IS HEREBY ORDERED AND ADJUDGED that the defendant, David Robles, is guilty except for insanity of the crime of Burglary, and

IT IS FURTHER ORDERED AND ADJUDGED that the defendant be placed under the jurisdiction of the Oregon Health Authority and/or Psychiatric Security Review Board for care, custody, and treatment for a maximum period of time not to exceed :20 years (Count 1); and

IT IS FURTHER ORDERED AND ADJUDGED that the defendant report to Yamhill County

Adult Mental Health for evaluation by the Oregon Health Authority and/or Psychiatric Security

Review Board liaison.

Judge Carroll Tichenor

DATED:

CC:

Executive Director
Psychiatric Security Review Board
620 SW Fifth Avenue, Suite 907
Portland, OR 97204

25-

Judgment and Order submitted by Kathryn Petersen, Deputy District Attorney, OSB #06464

JUDGMENT AND ORDER UPON FINDING OF GUILTY EXCEPT FOR INSANITY Page 2

DISTRICT ATTORNEY
Yamhill County Courthouse
McMinnville, Oregon 97128 (503) 472-9371



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FILED STATE OF OREGON YAMHILL COUNTY TRIAL COURT

TRIAL COURT ADMINISTRATOR

# IN THE CIRCUIT COURT FOR THE STATE OF OREGON 12 JAN 26 PM 2: 21

, , , , , , , , , , , , , , , , , , , ,	81
STATE OF OREGON,	) No. CR110171DV
Plaintiff,	
vs.	
DAVID ROBLES,	) ) STIPULATION OF FACTS REGARDING DEFENSE
Aka: DAVID MARTINEZ ROBLES, Defendant.	) OF GUILTY EXCEPT FOR INSANITY )

FOR THE COUNTY OF YAMHILL

COME NOW the parties to the above-entitled case, the state of Oregon by and through Assistant District Attorney KATE PETERSEN, and the defendant by attorney, GREGORIO PEREZSELSKY, and agree and stipulate as follows:

- 1. That this stipulation is made for the purposes of a trial on stipulated facts with the agreed result, contemplated by the parties, that the defendant will be found by the court to be Guilty Except for insanity as to the charge of BURGLARY in the FIRST DEGREE. In reliance on such an agreement, the defendant shall waive trial by jury and proceed to trial to the court alone and on the facts as stipulated by the parties and the court will make findings as specified based upon said stipulation.
- 2. That the court will find that the allegations specified above, are proven beyond a reasonable doubt, such as to find the defendant herein, DAVID ROBLES, Guilty of BURGLARY in the FIRST DEGREE; except that the court will, in addition, find the defendant has properly raised and proven the defense of Guilty Except for Insanity pursuant to ORS 161.295, ORS 161.305, and ORS 161.309, to those charges.
- FURTHER, that the court will find the crime of BURGLARY in the FIRST DEGREE, a class A FELONY, with a maximum sentence of 20 years in prison and/or a maximum fine of \$375,000.

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- 4. FURTHER, that the court will find that at the time of the crime alleged the defendant suffered from a mental disease which caused the defendant to lack substantial capacity to appreciate the criminality of the defendant's conduct and to lack substantial capacity to conform the defendant's conduct to the requirements of law.
- FURTHER, that the court will find that the defendant would have been guilty of a felony,
   and that the defendant is affected by mental disease or defect.
- 6. FURTHER, that the court will find that, although the defendant is affected by mental disease or defect and presents a substantial danger to others, the defendant can be adequately controlled by supervision and treatment if conditionally released, and makes such further orders as are appropriate pursuant to ORS 161.327(2)(b) and ORS 161.327(6).

FURTHER, the defendant, DAVID ROBLES, understands that as a result of said agreement, the defendant may be within the jurisdiction of the Psychiatric Security Review Board for a maximum period of 20 years and may be committed to or retained in a state hospital designed by the Mental Health Division for custody, care, and treatment for that maximum period, subject to the provisions of ORS 161.327, 161.336, 161.341, 161.346, and 161.351.

DATE: January 10, 2012

KATE PETERSEN OSB No. 06464 Attorney for Plaintiff

DATE: January 10, 2012

GREGORIO PEREZSELSKY
OSB No. 783358
Attorney for Defendant

**DATE: January 10, 2012** 

DAVID ROBLES Defendant

Page 2 – STIPULATION OF FACTS REGARDING DEFENSE OF GUILTY EXCEPT FOR INSANITY

GREGORIO A. PEREZSELSKY 512 N.E. Fourth Street Post Office Box 1354 McMinnville, Oregon 97128 Email: gperezselsky@spessart.com Phone & Fax: (503) 434-5286

1		STATE OF DECA
2	IN THE C	STATE OF OREGON YAMHILL COUNTY TRIAL COUNTY
3	N. A. C.	FOR THE COUNTY OF YAMHILL    12 FEB -2 PM 2: 31
4	THE STATE OF OREGON,	) BY:
`5	Plaintiff,	) No. CR110171DV
6	v.	) FIRST AMENDED JUDGMENT AND ) ORDER UPON FINDING
7		) OF GUILTY EXCEPT FOR ) INSANITY
8	DAVID ROBLES,	
9	Defendant.	),
10	THIS MATTER come	before the court on January 23, 2012 and January 25, 2012, for a
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40.	stipulated facts that to the cou	art. Defendant appeared in person with his attorney, Gregorio Perez-

THIS MATTER came before the court on January 23, 2012 and January 25, 2012, for a stipulated facts that to the court. Defendant appeared in person with his attorney, Gregorio Perez-Selsky, and the State of Oregon appeared by Kathryn Petersen, Deputy District Attorney for Yamhill County, and;

IT APPEARING TO THE COURT that the defendant has given notice of intent to rely on evidence of mental disease or defect as an affirmative defense; and

IT FURTHER APPEARING TO THE COURT that on January 23, 2012 and January 25, 2012, the matter came to trial before the court, the defendant having waived his right to trial by jury in writing; and the court having heard the evidence of the State and the defendant, and being fully advised in the premises

#### THE COURT HEREBY FINDS:

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That the defendant, David Robles, committed the act alleged in Count 1 of the Indictment constituting the crime of Burglary in the First Degree;

That, based on a letter from Joseph Arnold, M.D., dated January 19, 2012 and testimony from Stewart Stout on January 23, 2012, that the defendant is affected by a mental disease or defect; to wit: Schizoaffective Disorder;

JUDGMENT AND ORDER UPON FINDING OF GUILTY EXCEPT FOR INSANITY Page 1

DISTRICT ATTORNEY Yamhill County Courthouse McMinnville, Oregon 97128 (503) 472-9371

That as a result of Schizoaffective Disorder, a mental disease or defect, at the time of engaging in criminal conduct, the defendant lacked substantial capacity either to appreciate the criminality of his actions or to conform his conduct to the requirements of the law;

That the defendant would have been guilty of a felony charge during a criminal episode;

And that the victim of the crime, Melchor Robles, residing at 5165 SE Booth Bend Road, McMinnville OR 97128, does desire notification of any Psychiatric Security Review Board and/or Oregon Health Authority hearings, conditional release, discharge or escape of the defendant.

IT IS HEREBY ORDERED AND ADJUDGED that the defendant, David Robles, is guilty except for insanity of the crime of Burglary; and

IT IS FURTHER ORDERED AND ADJUDGED that the defendant be placed under the jurisdiction of the Oregon Health Authority and/or Psychiatric Security Review Board for care, custody, and treatment for a maximum period of time not to exceed: 20 years (Count 1); and

IT IS FURTHER ORDERED AND ADJUDGED that the defendant is appropriate for conditional release pursuant to ORS 161.327 (2)(b); it is also ordered that the defendant report immediately to Yamhill County Adult Mental Health for evaluation by the Oregon Health Authority and/or Psychiatric Security Review Board liaison.

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22

**Executive Director** 23 Psychiatric Security Review Board

CC;

24

25 26

Judge Carroll Tichenor

First Amended Judgment and Order submitted by Kathryn Petersen, Deputy District Attorney, OSB #06464

JUDGMENT AND ORDER UPON FINDING OF GUILTY EXCEPT FOR INSANITY Page 2

DATED: JANUARY 31, 2012

620 SW Fifth Avenue, Suite 907

Portland, OR 97204

Created: 01/24/2017 8:24 AM

02/16/2017 Notice

PSRB
Created: 02/16/2017 11:05 AM
<u>Notice</u>
Created: 04/19/2017 3:50 PM
<u>Notice</u>
Created: 06/06/2017 2:15 PM
<u>Notice</u>
PSRB
Created: 06/14/2017 8:24 AM
<u>Notice</u>
Created: 06/19/2017 3:39 PM
<u>Notice</u>
PSRB
Created: 07/03/2017 2:29 PM
Notice
PSRB
Created: 08/28/2017 10:04 AM
Notice Notice
PSRB
Created: 09/13/2017 1:50 PM

STATE OF OREGON AHHILL COUNT TRIAL COURT

11 MAR 25 PM 4: 07

IN THE CIRCUIT COURT OF THE STATE OF OREGON PHINISTRATOR

FOR THE COUNTY OF YAMHILL

STATE OF OREGON,

Plaintiff.

7

DAVID ROOKES. DAVID MARTINEZ ROBLES,

Court#:

DOB: 02/24/1957

SID#: 5099628

DA#:

INDICTMENT

10 **Defendant** 

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The above-named defendant is accused by the Grand Jury by this Indictment of the following offense:

Count 1: 14

Burglary in the First Degree

(FSG 9; A Felony ORS 164.225)

15

16

Menacing Constituting Domestic Violence

(A Misdemeanor, ORS 163 190)

Count 3: 17

Count 2:

Harassment\*

(B Misdemeanor; ORS 166.065)

18

Committed as follows:

19

Count 1: Burglary in the First Degree

20 21 The defendant David Robles on or about March 9, 2010, in Yamhili County, Oregon, did unlawfully and knowingly enter and/or remain in a dwelling located at 5165 Booth Bend Road, McMinnville, with the intent to commit the crime of menacing and/or assault and/or harassment

therein.

22

Count 2: Menacing Constituting Domestic Violence\*

23 24

The defendant David Robles on or about March 9, 2010, in Yamhill County, Oregon, did unlawfully and intentionally attempt to place Melchor Mendez Robles, a member of defendant's family or household, in fear of imminent serious physical injury; the defendant's conduct thereby constituting domestic violence.

25

26:

INDICTMENT

Page 1

DISTRICT ATTORNEY

Yamhill County Courthouse VicMinnville, Oregon 97128 (503) 472-9371 (Fax: 503-434-5760) districtattomeyoffice@co.yamhill.or.us

Count 3: Harassment\* The defendant David Robles on or about March 9, 2010, in Yamhill County, Oregon, did 2 unlawfully and intentionally harass or annoy Melchor Mendez Robles by subjecting Melchor Mendez Robles to offensive physical contact. 3 4 5 These acts contrary to statute and against the peace and dignity of the State of Oregon. 6 7 DATED: 03 -24-11 8 WITNESSES GIVING TESTIMONY: 9 (in person unless otherwise indicated) A TRUE BILL 10 11 M. Robles Deputy J. Caughlin 12 13 <u>for</u> Brad Berry 14 15 16 17 18 . 19 20 21 22 23 24 25

INDICTMENT Page 2

26

DISTRICT ATTORNEY
Yamhill County Courthouse
McMinnville, Oregon 97128 (503) 472-9371 (Fax: 503-434-5760)
districtattomeyoffice@co.yamhill.or.us

(#F)	· · · · · · · · · · · · · · · · · · ·						
1							
2	The State does not request a warrant at this time.						
.3.	X The State moves the Court for an order directing that a warrant issue for the arrest of the						
4							
5	X The District Attorney designates this Indictment as CONFIDENTIAL until such time as the						
6	Defendant has been arrested and held to answer the charges						
7	by: \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\						
·							
8	CLERK'S CERTIFICATE						
9	I hereby certify this copy to be a true, full and correct copy of the original record in my office.						
10	DATE:						
	Clerk of the Circuit Court	•					
11							
12	Based on the above motion, IT IS HEREBY ORDERED that a warrant issue for the arrest of the defendant named herein and that security in connection with said arrest(s) in the amount	~£					
13	\$ 22.500	OI					
14							
	DATE: 3-28-11 (Wellow)						
15	DATE: 3-28-11 (C) ethorio						
16							
[17]							
	Arresting Agency Case #: 11000747 MNS / Yamhill Co Sheriff						
18	Case assigned to: Kathryn A Petersen						
19	Deputy District Attorney Oregon State Bar No. 06464						
20	Oregon State Bai No. 00464						
21		•					
22		٠					
23							
24							
25							

INDICTMENT Page 3

2 3 4		IN THE CIRCUIT COURT OF YAMHILL  TRIAL COURT		
5	TH	Plaintiff, 11 NOV 22 PM 1: 17  Vs.  TRIAL COURT ADMINISTRATOR		1
6		Plaintiff,   NOV 22 5" Case Number (K)	<u>01710V</u>	
7	-	VS.		
8				
9		David Robles BY ARRAIGNMENT/PLEA	DING ORDI	ER
10 11	_	Defendant. )	11	
12		arties Appearing: Date:	*	
13		A or DDA: Judge:   Ju		
14	De	efense Attorney: G. Verez Selsky   Carroll J. Tichenor   C	ynthia L. East	erday
15	Dе	efendant:   IC NIC Not Appearing	<del></del>	
16		Interpreter: /		
17	ш			
18		of the accusatory instrument or show cause order was provided and the defendant was	as advised of r	ights,
19		including the right to counsel and the defendant:	c i	
20		☐ Applied for court appointed attorney and the court ☐ granted ☐ denied the de	_	
21		☐ Court appoints ☐ Will interview for court app ☐ Will retain own attorney ☐ Waived his/her right to an a		y
22			attorney	
23				
24		Defendant is eligible for DUII diversion and the court $\square$ grants $\square$ denies the motion	a/petition for c	liversion
25		Defendant is eligible for Drug Court.	D Ct <b></b>	000
26		Defendant is before the court for Trial Report Conference Release Hearing		
27		□ Surrender on Warrant □ VRA □ FTA for	_ 🗖 Release C	ondinons
28				
29	Н	Defendant failed to appear $\square$ warrant ordered, SRA $\square$ $\square$ security forfeited DA to submit motion/order for warrant	ed L1 diversion	revoked
30				
31		Defendant $\square$ admitted $\square$ denied the allegations in the revocation show cause.  Defendant entered a plea of $\square$ NOT guilty $\square$ guilty to count(s)		
32				
33		The D defendant D state requested the matter be continued. Reason.		
34		ACCORDINGLY, IT IS HEREBY ORDERED that the matter be con-	tinued for:	
35		Preliminary Hearing/Arraignment on Indictment		am/pm
36		Trial Report Conference Divr Eligibility		am/pm
37		Entry of Plea   Sentencing		am/pm
38		6 Person Jury 🏻 12 Person Jury 🖾 Court Trial		am/pm
39_		Probation Diversion Revocation Hearing	<u>@</u>	am/pm
40		Drug Court  CCS Court		am/pm
41		VRO Contempt of Court Hearing		am/pm
42			@9!36	am/fin.
43	西	Discovery due 5:00 pm		
44		THE COURT ORDERS THE WARRANT RECALLED □ Order for warrant w	ithdrawn by th	ne court
45		Defendant taken into custody Defendant to be released from custody	- , -	;
46		Release Agreement Revoked.   Security Release:  Conditional Release:	ase 🗖 Book &	Release
47	_		Λ .	
48	Dat	$\mathcal{L}$ ited:	()_1,	
49		- Muala (l)	XTON	<u> </u>
50	•	CIRCUIT COURT JUDGE	<u> </u>	

8		·
$\int_{2}^{y}$	IN THE CIRCUIT COUNT OF	GON NEHE STATE OF OREGON
3	FOR THE COUNTY	YOF YAMHULL
5	THE STATE OF OREGON,	10: 39
6	Plaintiff, Public	Wis Casé Number (RIIO)71DV
7 8	Vs.	
9	David Robles	ARRAIGNMENT / PLEADING ORDER
10	Defendant. )	
11 12	Parties Appearing:	Date:/
- 13	DA or DDA: A.K. L. agah Defense Attorney: 6. Perepsessy	☐ Carroll J. Tichenor ☐ Cynthia L. Easterday
14	Defendant: ☐ IC NIC ☐ Not Appearing	
15	☐ Interpreter:	
16 17	☐ The above-named defendant is before the court for arr	
18	of the accusatory instrument or show cause order was including the right to counsel and the defendant:	provided and the defendant was advised of rights,
19	☐ Applied for court appointed attorney and the co	urt □ granted □ denied the defendant's request
20	☐ Court appoints	
21 22	☐ Will retain own attorney	
23	Defendant was given the DUII diversion packet.	
24	Defendant is eligible for DUII diversion and the court	☐ grants ☐ denies the motion/petition for diversion
25	Defendant is eligible for Drug Court.  Defendant is before the court for Trial Report Conf	ference  Release Hearing  Drug Court  CCS
26 27		☐ Release Conditions
28		
29	☐ Defendant failed to appear ☐ warrant ordered, SRA \$	□ security forfeited □ diversion revoked
30	<ul> <li>□ DA to submit motion/order for warrant</li> <li>□ Defendant □ admitted □ denied the allegations in the</li> </ul>	e reviocation show cause
31 32		
	The defendant I state requested the matter be contained.	tinued. Reason: Turner investigati
33	ACCORDINGLY, IT IS HEREBY ORDE	
34 35		
	Trial Report Conference Divr Eligibility	1/2/21,2011 @ 4 am/pm
	☐ Entry of Plea ☐ Sentencing	@am/pm
38	☐ 6 Person Jury ☐ 12 Person Jury ☐ Court Trial	
39 40	☐ Probation ☐ Diversion Revocation Hearing	
	<ul><li>□ Drug Court □ CCS Court</li><li>□ VRO Contempt of Court Hearing</li></ul>	
42	VKO Contempt of Court Hearing	
43	Discovery due 5:00 pm	_ □ File Motions by
44	☐ THE COURT ORDERS THE WARRANT RECA	
45 46	☐ Defendant taken into custody ☐ Defendant to be rele	
47	☐ Release Agreement Revoked. ☐ Security Release:\$_	⊔ Conditional Release ⊔ Book & Release
48	Dated: 10-31-11	PIJIA OL
49		maid (1) XTM
50		CIRCUIT COURT JUĎGĚ

ARRAIGNMENT / PLEADING ORDER

	IN	THE CIRCUIT COURT FOR THE COUNT		ATE OF ORE TELLATE OF YAMHILL TRIAL	UNINT	Y	· · · ,		
1 2	THE	STATE OF OREGON,				- 16	0.0		
3		vs.	Plaintiff,	TRIAL COURT	) ININIS			1/0/7/	01/
5 6		Davia Ro	Bles	ВҮ	)	ARRAIGN	MENT / P	LEADING O	RDER
7	Par	ties Appearing:	Defendant.		)	Date:	1-26	12)	
9	DA	or DDA:	rien	$\sum_{ab}$		Judge: A Pohr	L. Collins	☐ Ronald W. Cynthia L. Ea	
11	Det	fense Attorney: \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	l Not Appear	ing			ichenoi 🗖		
13		Interpreter: The above-named defen							
14 15		of the accusatory instru- including the right to co			was pr	ovided and the	defendant	was advised of	rights,
16 17 18		☐ Applied for court ☐ Court appoints _ ☐ Will retain own a					for court a	ppointed attorn	
19 20		Defendant was given the Defendant is eligible for	ne DUII diver	rsion packet.		Good cause fo	ound to exte	nd Diversion e	
21 22		Defendant is before the   Surrender on Warra	court for 🗆	Trial Report	Confer	ence 🗆 Releas	se Hearing [	□ Drug Court l □ Release	CCS Conditions
23 24		☐ Status check ► Of Defendant failed to app							on revoked
25 26		Defendant almed to app Defendant admitted Defendant entered a ple	denied the	e allegations	in the r	evocation sho		jioa <b>–</b> arvorsk	M TOVOROU
27 28		The □ defendant □ sta	ite requested	the matter be	contin	ued. Reason:_			
29 30		accordingly,	IT IS HERE	EBY ORDER	RED th	at the matter	be continu	ed for:	
31		Preliminary Hearing/A Trial Report Conference	_			:		@ @	am/pm am/pm
32 33		Entry of Plea   Sente	encing Div	Eligibility/E	Entry			@	am/pm
		6-Person Jury ☐ 12-Person ☐ Diversion	•					@ 	am/pm am/pm
		Drug Court □ CCS C	Court					@	am/pm
37		VRO Contempt of Cou		1 Keel	er S	egred	2	@	am/pm
		Release Hearing  Ot Discovery due 5:00 pm		Sulm	net	File Motion	s bv		am/pm
		THE COURT ORDE	RS THE WA	ARRANT RI		ED 🗆 Order	for warrant	withdrawn by	the court
11		Defendant taken into co							
		Release Agreement Re						lease 🛮 Book	& Release
13 14		No Offensive Contact v The defendant is prohib				ign new Relea victim, directly			ndant is in
15		custody and at all times	s while this ma	tter is pending,	, unless	specifically othe	rwise allowed	by the court.	202117
16	D	1-28-12	•			( Gra	W ( ) ( ) .	celeno	
17	Date	ea: / 544 /2		(	CIRCU	IT COURT JU	ЛDGE		

	IN THE CIRCUIT COURT OF T. STATE OF OF FOR THE COUNTY OF YAMHILL TATE	REGON (1)
	YAMHI	LL COUNTY
_	THE STATE OF OREGON, Plaintiff, 12 JAN 2	26) PM 2: 16 Case Number (PVI 6/7/DV
3 4	Vs. TRIAL COUR	T ) OHINISTRATOR
5	tayel tobles	ARRAIGNMENT / PLEADING ORDER
6	Defendant.	)
7	( )	Date: 1-23-//
9	Parties Appearing  DA or DDA:	Date:
-	Defense Attorner Plan Colch	Sarroll J. Tichenor  Cynthia L. Easterday
11		<u>r</u>
12	☐ Interpreter:	
13	☐ The above-named defendant is before the court	for arraignment. ☐ Info ☐ Indict ☐ S/C ☐ VRO. A copy
14		er was provided and the defendant was advised of rights,
15	including the right to counsel and the defendant	
16	Applied for court appointed attorney and	the court $\square$ granted $\square$ denied the defendant's request
17 18	☐ Court appoints	☐ Will interview for court appointed attorney
19		☐ Waived his/her right to an attorney
20		t. Good cause found to extend Diversion eligibility.
21		e court ☐ grants ☐ denies the motion/petition for diversion rt Conference ☐ Release Hearing ☐ Drug Court ☐ CCS
22	☐ Surrender on Warrant ☐ VRA ☐ FTA for	
23	Status check Sother: Mal-S	
24	☐ Defendant failed to appear ☐ warrant ordered,	
25	☐ Defendant ☐ admitted ☐ denied the allegation	is in the revocation show cause.
26 27	☐ Defendant entered a plea of ☐ NOT guilty 🔀	quilty to count(s) DA TO DEME Ord
28	☐ The ☐ defendant ☐ state requested the matter	
29		
30	ACCORDINGLY, IT IS HEREBY ORD	
31	Preliminary Hearing/Arraignment on Indictme	
32	☐ Trial Report Conference ☐ Trial Readiness	
33	☐ Entry of Plea ☐ Sentencing ☐ Div Eligibility	
34		
35	Probation Diversion Revocation Hearing	
36	<ul> <li>□ Drug Court □ CCS Court □</li> <li>□ VRO Contempt of Court Hearing □</li> </ul>	
37 38	☐ Release Hearing ☐ Other:	
39	☐ Release Hearing ☐ Other: ☐ ☐ Discovery due 5:00 pm	☐ File Motions by
40		RECALLED □ Order for warrant withdrawn by the court
41	☐ Defendant taken into custody ☐ Defendant to	be released from custody
42	☐ Release Agreement Revoked ☐ Security Rele	ase:\$ \square Conditional Release \square Book & Release
43	☐ No Offensive Contact with Victim/Co-def	☐ Sign new Release Agreement
44		tacting the victim, directly or through others, while defendant is in
45	custody and at all times while this matter is pendi	ng, unless specifically otherwise allowed by the court.
46	Dated: /-23-/2	Caroll (10) elevo
47	Daniel J. J. J.	CIRCUIT COURT (LOGE
48		

1	THE CIDCUIT COURT OF THE STATE OF ODECON
2	IN THE CIRCUIT COURT OF THE STATE OF OREGONON
3	FOR THE COUNTY OF YAMHILL COUNTY
4	TRIAL
5	STATE OF OREGON  12 JAN 26 PM 2: 55
6 1	Petitioner TADITION CASE No.: CR. 10171 DV
7	STATE OF OREGON  12 JAN 26 PH 2: 15  Petitioner TRIAL COURT A DIVINISTRATOR  TRIAL COURT A DIVINISTRATOR  (CR. 110171)  Case No.:
8	DAVID TORIES BY
9	Defendant. ) WAIVER OF JURY TRIAL
10	
11	
12	I, the above-named defendant, hereby acknowledge that I have a Constitutional right to have a duly empaneled
13	
14	jury decide whether the state can prove my guilt beyond a reasonable doubt. I declare that I do NOT desire to
15	have this case decided by a jury. I hereby knowingly, voluntarily and with advise of an attorney or after waiving my
16	right to an attorney, WAIVE my right to a trial by jury. I hereby further consent that this case may be heard by a
17	judge of the Court, sitting alone, without a jury, and judgments rendered thereon. I execute this waiver voluntarily
18	with a full understanding of my rights and without any threat or promise.
19	NUNC PRO TUNC () /) DO
20	Dated: 1/23/12 WING! PAULE
21	Defendant
22	,
23	
24	
25	The above-captioned case came before me this date. The defendant was fully advised of his or her statutory and
26	Constitutional right to a trial by jury in the above-entitled case. After having been so advised, the defendant did
27	then and there execute the above waiver in my presence and acknowledge to me that said waiver was executed
28	voluntarily and with advise of counsel or after counsel was freely and voluntarily waived. The defendant did then
29	agree to proceed with a trial before the court.
30	
31	The Court finds that the defendant is acting knowingly, voluntarily, without threat or promise and with a full
32	understanding of the right to a jury trial.
33	inderstanding of the right to a jusy than
34	
35	0110-
36	Dated: /-25-12 Ce Vicken
37	Dated: 1-25-12 (Siehen)  Cirquit Court Judge  Nuc Pas Tune
38	Nunc Pas Tune
39	1-23-12
40	
41	
42	

	100	EXHIBIT LIST		
*	Date: /-	23-11 Case No: CRUI -01710V		
	Judge: 2	cherce Name: State / Robl	25)	
	Clerk:	Rehm Attys: Detersen Gre	Sels	Kar
		Cause of Action: Step Facts +	Não	J
	Plaint		,	
.*	Number	Description	Offered	Rec'd
	. ,	Incident feront 3/23/11 - UCSO		·V
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	Defen	dant	· · · · · ·	
	Number	Description	Offered	Rec'd
	101	Dr. arnold letter 1-19-12		~
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	IN THE CIRCUIT COURT OF THE STATE OF OREGON	
	FOR THE COUNTY OF YAMHILL FILE OF OREGON	
		_
1	TRIAL COOK	/
2	THE STATE OF OREGON,  Plaintiff, 12 JAN 10 PM 2:51  Case Number Case Number	V
3	Plaintiff, 12 Jan 1 Case Number Case Number	
4	4 TRIAL COURT AD MINISTER	
5	ARRAIGHTENT / FLEADING ORD	ER
6	6 David Robles )	
7	7 Defendant.	
8	8 Parties Appearing: Date: 1-10-17	
9	9 DA or DDA: Judge: John L. Collins \( \subseteq \text{Ronald W. Sto} \)	ne -
10	10 Defense Attorney: Rove 7 - Selsky	
11		<b></b>
12		· · ·
13		CODY
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16	moradang the right to be and the determinant.	o.t
17	in the production of the country and the court in granted in defined the defendant of teduc	
18		
19	10	
20	Detendant was given the Dott diversion packer. Digodod cause tound to extend Diversion engi	
21	Detendant is engine for Don diversion and the court in grants in delines the motion/pertuon for div	
22	Detendant is detore the court for in that Report Conference in Release Hearing in Drug Court in Conference in Release Hearing in Release He	
23	Distributed on warrant in VKA in FTA to.	
24	24 Status check is other. Stipulated talks that Other defense	
25	Detendant failed to appear $\square$ warrant ordered, SRA $\square$ Detendant failed to appear $\square$ diversion r	evoked
26	Defendant $\square$ admitted $\square$ denied the allegations in the revocation show cause.	
27	27 L Defendant entered a plea of D NOT guilty D guilty to count(s)	
28	The $\square$ defendant $\square$ state requested the matter be continued. Reason: $\square$ because $\square$	eport
29	regarding defendant's 'GGI	efensi
30	ACCORDINGLY, IT IS HEREBY ORDERED that the matter be continued for:	
31	Preliminary Hearing/Arraignment on Indictment	am/pm
32	Trial Report Conference  Trial Readiness @	am/pm
33	Entry of Plea □ Sentencing □Div Eligibility/Entry @ 1010€	_
34	33 □ 6-Person Jury □ 12-Person Jury □ Court Trial □ -33-18 (Stipulated @ \$35 □ Probation □ Diversion Revocation Hearing facts trial @	am pm
35	Probation Diversion Revocation Hearing <u>facts Frial</u> @	am/pm
36	36 D Drug Court D CCS Court	am/pm
	7 D VRO Contempt of Court Hearing	am/pm
	Release Hearing  Other:	am/pm
	9 Discovery due 5:00 pm Discovery due 5:00 pm File Motions by	
	10 THE COURT ORDERS THE WARRANT RECALLED   Order for warrant withdrawn by the	court
41	1 □ Defendant taken into custody □ Defendant to be released from custody	
	2 □ Release Agreement Revoked □ Security Release:\$ □ Conditional Release □ Book & I	Release
	3 □ No Offensive Contact with Victim/Co-def □ Sign new Release Agreement	
14	The defendant is prohibited from in any way contacting the victim, directly or through others, while defenda	nt is in
45		
10		
17	O Dated: 1-10-17	

CIRCUIT COURT JUDGE

## CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF YAMHILL

#### ACKNOWLEDGMENT OF RECEIPT OF EXHIBITS

and the second of the second o	
Custodian for Plaintiff(s)/Petitioner(s)	
I acknowledge receipt of the exhibits submitted by the Plaintiff(s)/Petitioner(s) in the matter noted on this exhibit list, subject to the requirements of the Uniform Trial Court Rule 6.120.	: ( ,ው <sub>ኔ</sub> .
Date: 1-23-12 Signature of Custodian	The contract of
	LIN OF
Custodian for the Defendant(s)/Respondent(s)	i,
I acknowledge receipt of the exhibits submitted by the Defendant(s)/Respondent(s) in the matter noted on thi exhibit ist subject to the requirements of the Uniform Trial Court Rule 6.120.	
State of the state	
Date: (- 2-3-/-2	
Signature of Custodian	
Grea PEREZ-Selsky	
Printed Name	

		·
9	* <i>;</i>	FILED
<u></u>	IN THE CIRCUIT COURT	TOF THE STATE OF OF COUNTY
3	FOR THE COL	UNTY OF YAMHILL TRIAL COURT
4 5 1	THE STATE OF OREGON?	2011 OCT 18 AM 8: 37
6	Plaintiff	Case Number CRILOLITATION
7	vs.	)
8 9	David Robles	) ARRAIGNMENT / PLEADING ORDER
10	Defendant.	)
	Parties Appearing:	Date: 10-17-11  Judge: □ John L. Collins □ Ronald W. Stone
	DA or DDA: Wheel Wy	Judge: ☐ John L. Collins ☐ Ronald W. Stone ☐ Carroll J. Tichenor ☐ Cynthia L. Easterday
14	Defense Attorney: 6. Perezselsky Defendant: ICVINIC IN Not Appearing	
15	☐ Interpreter:	
16 17	☐ The above-named defendant is before the court for	or arraignment.   Info   Indict   S/C   VRO. A copy
18	of the accusatory instrument or show cause order including the right to counsel and the defendant:	was provided and the defendant was advised of rights,
19	☐ Applied for court appointed attorney and t	he court $\square$ granted $\square$ denied the defendant's request
20 21	☐ Court appoints	☐ Will interview for court appointed attorney
22	☐ Will retain own attorney	
23	☐ Defendant was given the DUII diversion packet.☐ Defendant is eligible for DUII diversion and the	court □ grants □ denies the motion/petition for diversion
24 25	☐ Defendant is eligible for Drug Court.	
26	Defendant is before the court for Trial Report	Conference ☐ Release Hearing ☐ Drug Court ☐ CCS☐ Release Conditions
27	☐ Surrender on Warrant ☐ VRA ☐ FTA for	L Release Conditions
28 29	☐ Defendant failed to appear ☐ warrant ordered, S	SRA \$ □ security forfeited □ diversion revoked
30	☐ DA to submit motion/order for warrant	
31	<ul> <li>□ Defendant □ admitted □ denied the allegations</li> <li>□ Defendant entered a plea of □ NOT guilty □ guilty</li> </ul>	
32	The Sedefendant State requested the matter b	e continued. Reason: 10 Qo + (nEl en vegot
33	` '	ORDERED that the matter be continued for:
34		
35 36		10/31/11 @4100 am/pm
	Entry of Plea  Sentencing	
	☐ 6 Person Jury ☐ 12 Person Jury ☐ Court Trial	
39 40	<ul> <li>□ Probation □ Diversion Revocation Hearing</li> <li>□ Drug Court □ CCS Court</li> </ul>	
41	□ VRO Contempt of Court Hearing	@ am/pm
	A WITIOIOIS to track	D File Motions by
43 44	Discovery due 5:00 pm  THE COURT ORDERS THE WARRANT F	RECALLED  Order for warrant withdrawn by the court
45	☐ Defendant taken into custody ☐ Defendant to ☐	
46	☐ Release Agreement Revoked. ☐ Security Release	
47 48	D. 1 10-17-11	12 00 for 1.0
49	Dated: 10-17-11	( Grolf ( Victorio
50		CIRCUIT COURT JUDGE
51	Perised 05/2010 White - Court Yellow - Jail, Pink - DA, Gold - Defend	ant ARRAIGNMENT / PLEADING ORDER

The Circuit Court, Yamhill County, State Of Oregon /F.[[F]]
STATE OF OREGON
State of Oregon ( vs. Case/No.: O   Case/No.
/ / Gaed No.
1 SEP 26 AM 9: 17
You are hereby released by the Court; Release Officer or Deputy in lieu of remaining in custody on the charges or charges against you listed below.  Full Bail: 10% Release Type:
2. WENCENCE Full Bail: 10% Release (yper)
3. Full Bail: 10% Release Type:
You are to appear in Circuit Court on:
535 NE 5 <sup>th</sup> Street (5 <sup>th</sup> and Evans) McMinnville, Oregon for:
You are to report: Weekly Daily By Telephone Other.
To: Pretrial Release (503-434-7432 ext. 1) Probation Officer Attorney:
No use of Alcohol No illegal drug use Submit to random UAs at Release Officer's request. Monitored Antabuse (see below).
Participate in Alcohol Drug Mental Health Treatment Court program(s) as directed. Be on a SCRAM anklet.
시프 - 그는 사람 프로그 무슨 사람들이 중하는 그는데
Amend the 'NO CONTACT provision with 'alleged' victim to: No Offensive Contact  Participate in an approved Domestic Violence  Intervention program as directed.
Special Conditions: + Conditions: + Conditions
Ditime Line Manicaston Fully county
ul pel spinger Dulas.
General Conditions: I do hereby agree that shall appear at all the times and places as ordered by the Court and as ordered by any Court where this charge may be prosecuted. Further, I shall appear for the trial; and, if convicted, appear for judgment and execution of judgment. I will obey all orders of
the Court and comply with any conditions the Court may impose, including but not limited to, those listed above. I further agree that it is my duty to keep my attorney and the Court advised of my whereabouts at all times, and I shall not leave the State of Oregon without Court permission.
IF I AM FOUND OUTSIDE THIS STATE, I HEREBY WAIVE EXTRADITION.
No Contact With Victim or Codefendant: I understand that unless specifically authorized by the Court, I am to have no contact with the victim(s) or co-defendant(s) of my crime(s), directly or through others.
New Crimes: I will obey all laws. If I am charged with a new crime, this Release Agreement may be revoked by the Court and I may be subject to
rearrest and detention awaiting trial on the charges presently pending against me.  Fallure To Appear: I understand that if I fall to appear at any time ordered by the Court, a warrant may be issued for my arrest, my bail may be forfeited,
I may be subject to prosecution, and if found guilty, sentenced to a term of Imprisonment and/or fine. I understand that If I am charged with an infraction or a violation, and do not appear at the time, date and Court specified, the Court, without further hearing, may enter a monetary judgment against me, up.
to the maximum amount of fines, assessments, restitution and other costs allowed by law for the offense.
Violation Of Conditions: I understand that a warrant for my arrest will be issued immediately upon any violation of a condition of this release. Any violation of these conditions shall subject me to a revocation of this release, and order of detention and prosecution for Contempt of Court (a fine of not
more than \$500 or imprisonment for not more than 6 months, or both). I may forfeit any security posted.  Security: The Court regards the security deposit as defendant's and available to satisfy defendant's obligations (fines, attorney fees, victim restitution,
court costs and child support obligations as provided by ORS 25.715 and 135.265). Upon disposition of this case, the Clerk, after payment toward any
of the defendant's obligations in this or any other case, shall return to the depositor, 85% of the sum deposited, and retain 15% as security release costs.  If I violate this agreement, the amount posted may be forfeited and a judgment entered against me for the full security amount. NOTICE: If any person,
other than me, posts this security. Lunderstand that such security may be taken by the Court to satisfy any of my financial obligations.
Operendant's Signature:
Mall Address: TE LOVING CINCINALISTAS CIRCUTALISTAS COSTO 72126
Physical Address: City: State: Zip:
5008 767 FC/D
Telephone or Message Number: 10 3 6 1
Subscribed and sworn to before me on AM PM
AGRC
AGRG
AGSR Release Assistance Officer or Sheriff's Deputy Signature
Updated: 02/10/2010 Original: Court Green: Sheriff Canary: Pretrial Flink/District Attorney Goldenrod: Defendant

# **Definition of Prohibited Contact**

# "Contact" includes but is not limited to:

- · Coming into the visual or physical presence of any 'victim'.
- Following the 'victim'.
- Waiting outside the home, property, place of work or school of any 'victim' or of a member of any 'victim's' family or household.
- Sending or making written communications in any form to any victim', including but not limited to: mail; e-mail; flowers; cards; etc.
- Speaking with the 'victim' by any means.
- · Communicating with any 'victim' through a third person.
- Committing a crime against any 'victim'.
- Communicating with a third person who has some relationship to the 'victim' with the intent of affecting the third person's relationship with the 'victim'.
- Communicating with business entities with the intent of affecting some right or interest
  of any 'victim'.
- Damaging the home, property, place of work, or school of any 'victim'.
- Delivering directly or through a third person any object to the home, property, place of work or school of any 'victim'.

FIL OREGON ST HITTHE CHOOLIT COURT	OF THE STATE OF OREGON
TRIAL PH BORYAM	HILL COUNTY
STATE OF COUNT TRIAL COURT ADMINISTRATION	Case No. CR110171DV
DAVID MARTINEZ ROBLES ,8Y	) OF COMPLIANCE WITH CRIME VICTIMS
Defendant	) RIGHTS NOTIFICATION AND CONSULTATION )
	) LAWS IN SECTIONS 42(1)(a) to (g) AND 43, ) ARTICLE 1 OF THE OREGON CONSTITUTION
	attorney in this case, certify that my file indicates that I or a' ollowing victim information about the rights granted to victims onstitution:
Victim's Name: Melchor Mendez Robles	
[ ] The letter was returned. [ ] The victim did not contact the prosecuti Victim's Rights information. [ ] The victim has waived all notices and vice [ ] Did not request to be informed in advance of and [ ] Did request to be informed in advance of the fold [ ] All [ ] Plea and Sentencing [ ] Sentencing Only [ ] Specific Hearing(s): [ ] Did not request that the prosecuting attorney as 42(1)(a) to (f) or 43, Article I of the Oregon Condid not agree to assert or enforce any rights. [ ] Did request that the prosecuting attorney assert sections 42(1)(a) to (f) or 43, Article I of the Oregon Condid not agree to assert or enforce any rights.	ng attorney's office by the date specified in the lictim rights.  In a critical stage of the proceeding.
	rights listed in sections 42(1)(a) to (g) and 43, Article I of the y requested under section 42(5), Article I of the Oregon
I further certify that the charging instrument	
Does include the name or pseudonym of each value in the properties of the part of the part of the properties of the attached "supplemental victim inform of the properties of the attached would cause a substantial properties of the properties of t	ch victim: udonym(s) known to this prosecutor is listed on this form or on a mation page."
Date: 9/ 37 /2011	OSB No: 06464

J	NIA Mantine
V	The Circuit Court, Yamhill County, State Of Oregon  State of Oregon
	Case No. Case No. Case No.
	Case No.: Case No.: Case No.:  Defendant:  Case No.:  TRIAL COURT ADMINISTRATION  BY
	You are hereby released by the Court, Release Officer or Deputy in lieu of remaining in custody on the charge or charges against you listed below:  Full Bail:  10%  Release Type:
	Full Bail: 10% Release Type: Full Bail: 10% Release Type:
	You are to appear in Circuit Court on:  at AM RM  535 NE 5th Street. (5th and Evans) McMinnville; Oregon
	for: You are to report: Weekly Daily By Telephone In Person Other:
	You are to report: Weekly Daily By Telephone Other.  To: Pretrial Release (503-434-7432 ext. 1): Probation Officer.  Attorney:
	No use of Alcohol No illegal drug use Submit to random UAs at Release Officer's request. Monitored Antabuse (see below).
: ;:	Participate in Alcohol Drug Mental Health Treatment Court program(s) as directed. Be on a SCRAM anklet.  Amend the 'NO CONTACT provision with alleged victim to: No Offensive Contact Participate in an approved Domestic Victence
	Amend the 'NO CONTACT provision with 'alleged' victim to: No Offensive Contact  Intervention program as directed.  Special Conditions:
	STEAST VOIENTMENT NO CONTACT OF
÷	General Conditions: I do hereby agree that I shall appear at all the times and places as ordered by the Court and as-ordered by any Court where this
:	charge may be prosecuted. Further, I shall appear for the trial; and, if convicted, appear for judgment and execution of judgment, I will obey all orders of the Court and comply with any conditions the Court may impose, including but not limited to, those listed above. I further agree that it is my duty to keep my attorney and the Court advised of my whereabouts at all times, and I shall not leave the State of Oregon without Court permission.  IF I AM FOUND OUTSIDE THIS STATE, I HEREBY WAIVE EXTRADITION:
	No Contact With Victim or Codefendant: I understand that unless specifically authorized by the Court, I am to have no contact with the victim(s) or co-defendant(s) of my crime(s), directly or through others.
	New Crimes: I will obey all laws. If I am charged with a new crime, this Release Agreement may be revoked by the Court and I may be subject to rearrest and detention awaiting trial on the charges presently pending against me.  Fallure To Appear: I understand that if I fall to appear at any time ordered by the Court, a warrant may be issued for my arrest, my bail may be forfeited,
	I may be subject to prosecution, and if found guilty, sentenced to a term of Imprisonment and/or fine. I understand that If I am charged with an infraction or a violation, and do not appear at the time, date and Court specified, the Court, without further hearing, may enter a monetary judgment against me, up to the maximum amount of fines, assessments, restitution and other costs allowed by law for the offense.
	Violation Of Conditions: I understand that a warrant for my arrest will be issued immediately upon any violation of a condition of this release. Any violation of these conditions shall subject me to a revocation of this release, and order of detention and prosecution for Contempt of Court (a fine of not more than \$500 or imprisonment for not more than 6 months, or both). I may forfeit any security posted.
	Security: The Court regards the security deposit as defendant's and available to satisfy defendant's obligations (fines, attorney fees, victim restitution, court costs and child support obligations as provided by ORS 25.715 and 135.265). Upon disposition of this case, the Clork offer payment toward accurate to the control of the case, the Clork offer payment toward accurate towar
٠.	of the defendant's obligations in this or any other case; shall return to the depositor, 85% of the sum deposited, and retain 15% as security release costs. If I violate this agreement, the amount posted may be forfeited and a judgment entered against me for the full security amount. NOTICE: If any person, other than me, posts this security. I understand that such security may be taken by the Court to satisfy any of my financial obligations.
,-	Defendant's Signature: Dus Rifes
	Mail Address: State: Zip: ——  Physical Address: GJT NE Evans J. City: McMinnville State: OR Zip: 97128
	Telephone or Message Number: $(503) 537 - 56/7$
	Subscribed and sworm to before me on 9/19/11 at 2.55 AM (FM)
	AGRC
	AGSR Release Assistance Officer or Sheriff's Deputy Signature
	Undated: 02/10/2010 Original: Court Green: Sheriff Canana Bratial Birk: District Allowania Caldanata Business

## **Definition of Prohibited Contact**

## "Contact" includes but is not limited to:

- Coming into the visual or physical presence of any 'victim'.
- Following the 'victim'.
- Waiting outside the home, property, place of work or school of any 'victim' or of a member of any 'victim's' family or household.
- Sending or making written communications in any form to any 'victim', including but'
  not limited to: mail; e-mail; flowers; cards; etc.
- Speaking with the 'victim' by any means.
- Communicating with any 'victim' through a third person.
- Committing a crime against any 'victim'.
- Communicating with a third person who has some relationship to the 'victim' with the intent of affecting the third person's relationship with the 'victim'.
- Communicating with business entities with the intent of affecting some right or interest
  of any 'victim'.
- Damaging the home, property, place of work, or school of any 'victim'.
- Delivering directly or through a third person any object to the home, property, place of work or school of any victim.

באי שנובי באר שמוואי או המווא של היו שנובי שנובי ביו איני	DECON
IN THE ROUIT COURT OF THE STATE TWENTY FIFTH JUDICIAL DISTRICT FOR YE	
535 NE Fifth Street, McMinnville, Or	coron 07120 TANES UF On
(503) 434-7530 TDD (503) 434	1-9111 RIAT COUNTY
	201100
ORAGINATING AGENCY: Yamhill Co Sheriff	NUMBER: 1100 1747
[]	NUMBER: 1100 FP421 PM 2:50 71DV/103006 BY  MUMBER: 1100 FP421 PM 2:50
STATE OF OREGON, ) Case # CR11017 Plaintiff, )	ADMINISTRATION
Plaintill, /	A log
vs. ) ARREST WARRANT	
DAVID MARTINEZ ROBLES )	
DOB: 2/24/57 Defendant )	
ADDRESS: CHARGES	NUMBER OF COUNTS
547 SW CYPRESS ST Burglary-1	x 1
MCMINNVILLE OR 97128 Menacing	x 1
Harassment	x 1
SEX:M RACE:Caucasian HAIR:Black ODL:	KYES:Brown HT:506 WT:180
State ID: FBI Number:	
An indictment or a charging instrument has been	filed in the Circuit
Court for Yamhill County, Oregon, which charges	the above named
dendandant with the offense(s) listed above.	
VOIL ARE COMMANDED to arrest the above named defe	endant forthwith and
YOU ARE COMMANDED to arrest the above named defe bring said defendant before me, or, in case of me	endant forthwith and my absence or inability
bring said defendant before me, or, in case of m	my absence or inability
bring said defendant before me, or, in case of r to act, before the nearest or most accessible ma county, or if no magistrate is available, to del	my absence or inability agistrate in this
bring said defendant before me, or, in case of me to act, before the nearest or most accessible me	my absence or inability agistrate in this
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bring said defendant before me, or, in case of reto act, before the nearest or most accessible me county, or if no magistrate is available, to delinto the custody of the Jailer of this county.	my absence or inability agistrate in this
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bring said defendant before me, or, in case of reto act, before the nearest or most accessible me county, or if no magistrate is available, to delinto the custody of the Jailer of this county.  \$ 27,500.00 Security	my absence or inability agistrate in this
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bring said defendant before me, or, in case of reto act, before the nearest or most accessible me county, or if no magistrate is available, to delinto the custody of the Jailer of this county.  \$ 27,500.00 Security  Issued this date: 3/25/11	my absence or inability agistrate in this liver said defendant  TICHENOR OF THE SAID OF TH
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ノ	IN THE CIRCUIT COURT OF 1 STATE OF OF	REGON	• •
	FOR THE COUNTY OF YAMHILL	FUED	
	¥.	STATE OF OREGON	
1		TRIAL COURT	
2	THE STATE OR GREGON,	)	
3	Plaintiff,	) I CStsR Mamber 1: OPR	11017101
4	Vs.		•
5	$A \cdot A \cdot$	) TRIAL COURT ADMINISTRATOR ARRAIGNMENT / P	LEADING ORDER
6	Carril Robles_	) BY	
7	Defendant.	) <u>_</u>	
8	Parties Appearing:	Date: 9 - 26	2-11
9	DA or DDA: Kimbur ha	Judge: □ John L. Collins	
10	Defense Attorney:	Carroll J. Tichenor	
11	Defendant: ☐ IC ☑ NIC ☐ Not Appearing		
12	□ Interpreter:		•
13	☐ The above-named defendant is before the court to	for arraignment. 🗆 Info 🗖 Indict [	□S/C□VRO A conv
14	of the accusatory instrument or show cause orde	<del>-</del>	1 -
15	including the right to counsel and the defendant	~	was advisod of fights,
16	Applied for court appointed attorney and		defendant's request
17			_
18		Waived his/her right to a	
19	· · · · · · · · · · · · · · · · · · ·	•	•
20	Defendant was given the DUII diversion packet		
21	<ul> <li>□ Defendant is eligible for DUII diversion and the</li> <li>□ Defendant is before the court for □ Trial Report</li> </ul>		
22		——————————————————————————————————————	
23	□ Surrender on Warrant □ VRA □ FTA fo		□ Release Conditions
24	Status check Other: Ofatus	B release	
25	☐ Defendant failed to appear ☐ warrant ordered, S		ited \( \precedit \text{diversion revoked} \)
26	☐ Defendant ☐ admitted ☐ denied the allegation		
27	☐ Defendant entered a plea of ☐ NOT guilty ☐ g		
28	☐ The ☐ defendant ☐ state requested the matter b	e continued. Reason:	<del></del>
29	A COORDINATE AT A TERRETAL ORDER		
30	ACCORDINGLY, IT IS HEREBY ORDE		
31	Preliminary Hearing/Arraignment on Indictmen	nt	@am/pm
32	Trial Report Conference Trial Readiness		@ <u>4_90</u> am/m
33	☐ Entry of Plea ☐ Sentencing ☐ Div Eligibility	·	am/pm
34	☐ 6-Person Jury ☐ 12-Person Jury ☐ Court Tria	l	am/pm
35	<u> </u>		am/pm
36	☐ Drug Court ☐ CCS Court		am/pm
37	<ul> <li>□ VRO Contempt of Court Hearing</li> <li>□ Release Hearing</li> <li>□ Other:</li> </ul>		@am/pm
38			@ am/pm
39	☐ Discovery due 5:00 pm	□ File Motions by	
40	☐ THE COURT ORDERS THE WARRANT I		withdrawn by the court
41	☐ Defendant taken into custody ☐ Defendant to	be released from custody	•
42	☐ Release Agreement Revoked ☐ Security Release	\ <u> </u>	elease   Book & Release
43		Sign new Release Agreeme	
44	The defendant is prohibited from in any way conta	acting the victim, directly or through o	thers, while defendant is in
45	custody and at all times while this matter is pendir	ng, unless specifically otherwise allower	Thy the court.
46	DI Q = 22-11	Corollellan	
47	Dated: $9-23-1$		
48		CIRCUIT COURT JUDGE	

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(O)				
OI.		IN THE CIRCUIT COURT OF THE STATE OF OREGON	NT .	
2		FOR THE COUNTY OF YAMBUUTY		
<i>3</i>		RIAL COURT		
5	TH	E STATE OF OREGON, ) 2011 SFP 21 AH O		,
6	1 11	Plaintiff Case Number 9: 14	ワヘノクペ	
7		FRIAL COURT ADMINISTRATOR	· Or · · · ~	, <sub>Y</sub>
8	\	( / Op / / ) o BY		
9	A	Sand Martines Dollar ARRAIGNMENT/PLES	ADMIC ODD	TPTD
10	11		ADING OKD	ŁK
		Defendant. aka David Dobles Dolla	111	
11 12		rties Appearing: Date: 9/1/9	///	
13		A or DDA: Judge:   Judge:   John L. Collins T		
14	De	efense Attorney: Purely ellsty Carroll J. Tichenor []	Synthia L. Eas	sterday
15		efendant:   IC Not Appearing ()		
		Interpreter:		
16		The above-named defendant is before the court for arraignment.   Info		
18		of the accusatory instrument or show cause order was provided and the defendant w	as advised of	rights,
19		including the right to counsel and the defendant:		
20		Applied for court appointed attorney and the court I granted I denied the d	efendant's red	quest
21		Court appoints Charles Selle D Will interview for court appoints	pointed attorn	iey
22		☐ Will retain own attorney ☐ ☐ Waived his/her right to an	attomey	
23		Defendant was given the DUII diversion packet.		
24		Defendant is eligible for DUII diversion and the court $\square$ grants $\square$ denies the motio	n/petition for	diversion
25		Defendant is eligible for Drug Court.		
26		Defendant is before the court for $\square$ Trial Report Conference $\square$ Release Hearing $\square$		⊐ CCS
27		□ Surrender on Warrant □ VRA □ FTA for	_ 🗆 Release	Conditions
28				
29		Defendant failed to appear □ warrant ordered, SRA \$ □ security forfeit	ed 🗖 diversio	n revoked
30		DA to submit motion/order for warrant	•	
31		Defendant □ admitted □ denied the allegations in the revocation show cause.		
32		Defendant entered a plea of ☐ NOT guilty ☐ guilty to count(s)		
		The □ defendant □ state requested the matter be continued. Reason:		
33				
34		ACCORDINGLY, IT IS HEREBY ORDERED that the matter be con	tinued for:	
35		Preliminary Hearing/Arraignment on Indictment	@	am/pm
36	F	Trial Report Conference Divr Eligibility		am/pm
37		Entry of Plea   Sentencing	@	am/pm
38		6 Person Jury □ 12 Person Jury □ Court Trial		am/pm
39_	_ 	Probation Diversion Revocation Hearing	<u>@</u>	am/pm
40		Drug Court CCS Court	@	am/pm
41		VRO Coatempt of Court Hearing		am/pm
42		States of relace 9122/11	@/2	2 (an)/pm
43		Discovery due 5:00 pm	O <del></del>	
44		THE COURT ORDERS THE WARRANT RECALLED  Order for warrant w	vithdrawn by	the court
45	区	Defendant taken into custody Defendant to be released from custody		
46		Release Agreement Revoked.   Security Release:  Conditional Release		
47	_		مسرحات المستحدد	
48	Dat	ted: 09/19/11	1.0	
49		( anol ()	Lulano	
50		CIRCUIT COURSE(IDGE	<u> </u>	

Date

Date

Date

Date

Date

Date

Date

Date

ORS 1.202 authorizes additional costs to be added to this Money Award without further notice or order of the court if your

## BEFORE THE OREGON STATE HOSPITAL REVIEW PANEL

OF THE STATE OF OREGON

In the Matter

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BY )

PSRB/OHA No. 86-0860

of gy

OSH No. 050411 Yamhill County No. CR110171DV [DA# 103006]

DAVID MARTINEZ ROBLES

COMMIT ORDER

On March 2, 2012, the Oregon State Hospital Réview Panel convened a hearing pursuant to ORS 161.336(4). Panel members present were Raymond W Myers, Dr. Gregory C Czar, Ph.D. and Diane Karpinski. David Robles was present with his attorney, Harris Matarazzo; Assistant Attorney General Sean Riddell was present representing the State. The burden of proof as well as the burden of going forward was on the State.

At the outset of the hearing, the parties stipulated to the propriety of the Panel's jurisdiction; that is, that David Robles was found guilty except for insanity of the crime of Burglary I and was placed under the jurisdiction of the Oregon Health Authority for a maximum period of time not to exceed 20 years by Yamhill County Circuit Court Judge Carroll J. Tichenor on January 25, 2012; that David Robles is affected by a mental disease or defect and that when his illness is active he presents a substantial danger to others. The parties further stipulated to the propriety of the revocation of David Robles's conditional release on February 8, 2012.

The Panel, having received Exhibits 1-83 exhibits without objection and after considering all of the evidence admitted on the record, accepts as FINDINGS OF FACT the stipulations of the parties as set forth above. In addition, the Panel FINDS AS FACT that David Robles could not be adequately controlled and treated in the community at this time. This finding is based upon the information contained in the record and Exhibit 83 and the representation of counsel at the outset of the hearing.

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#### The Panel CONCLUDES AS A MATTER OF LAW that:

- 1. There were reasonable grounds, based upon the record, specifically Exhibits 74, 76, 80, and 83, to revoke David Robles's conditional release on February 8, 2012.
- 2. Mr. Robles, being affected by a mental disease or defect which, when active, renders him a substantial danger to others, is under the jurisdiction of the Oregon Health Authority.
- Robles is not a proper subject for conditional release because he could not be
  adequately controlled and treated in the community and therefore it would not
  be in the best interest of justice and the protection of society to release him at
  this time.

IT IS HEREBY ORDERED, pursuant to ORS 161.336(4) and 161.351(2) that David Robles be continued in commitment at a state hospital designated by the Oregon Health Authority for care, custody and treatment.

This order may be appealed pursuant to ORS 161.385(9) as amended by Or Laws 2011, chapter 708, Senate Bill 420, Section 9.

March

DATED this 1644 day of

<u>,</u> 2012.

Oregon State Hospital Review Panel Member

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STATE OF OREGON YAMHILL COUNTY TRIAL COURT

## BEFORE THE PSYCHIATRIC SECURITY REVIEW BOARD

OF THE STATE OF OREGON

•	TRIAL COURT MOTHER
n the Matter	) PSRB No. 86-0860
	) OSH No. 50411
of ·	) Yamhill County No. CR110171DV

DAVID MARTINEZ ROBLES ORDER OF REVOCATION

David Robles was found guilty except for insanity of the crime of Burglary I and was placed on conditional release under the jurisdiction of the Psychiatric Security Review Board for a maximum period of time not to exceed 20 years by Yamhill County Circuit Court Judge Carroll Tichenor on January 25, 2012.

It appearing to the chairperson of the Psychiatric Security Review Board after considering all of the evidence in the record that Mr. Robles' mental health has deteriorated such that he requires hospitalization on an involuntary basis and he presents a substantial danger to others.

IT IS HEREBY ORDERED, pursuant to ORS 161.336(5), that David Robles be transported to Oregon State Hospital for evaluation and treatment and that his community release is revoked pending a full hearing to determine whether his conditional release should be continued or revoked, and

IT IS FURTHER ORDERED that any peace officer of the State of Oregon forthwith transport David Robles to Oregon State Hospital, 2600 Center St. NE, Salem, Oregon.

IT IS FURTHER ORDERED that jurisdiction of the above case is transferred to the Oregon Health Authority upon David Robles's admission to Oregon State Hospital.

Page 1 - ORDER OF REVOCATION - DAVID MARTINEZ ROBL

Kate Lieber, J.D.

Chairperson
Psychiatric Security Review Board

I, Matthew Berndt, being first duly sworn and on oath, depose and say:

I am a Paralegal for the Psychiatric Security Review Board for the State of Oregon.

David Robles is on conditional release under the jurisdiction of the Psychiatric Security Review Board (PSRB) pursuant to an order signed on January 25, 2012 by Yamhill County Circuit Court Judge Carol Tichenor.

On February 08, 2012, I spoke by telephone with Todd Sprague, MSW of Yamhill County Adult Mental Health. Yamhill County Adult Mental Health was designated by the PSRB as having primary reporting and supervising responsibilities in Mr. Robles' case. Yamhill County Adult Mental Health designated Todd Sprague as the liaison between itself and the PSRB. Mr. Sprague reported that in his opinion, Mr. Robles' conditional release should be revoked because his mental health has deteriorated such that he requires hospitalization on an involuntary basis and he presents a substantial danger to others.

Mr. Sprague states that he is very familiar with Mr. Robles. Mr. Sprague reports he gained this knowledge via his position as the Pre-Commitment Investigator for Yamhill County Adult Mental Health. In this capacity, he has investigated on numerous occasions whether Mr. Robles' mental health has deteriorated to the point that he requires civil commitment. He states that Mr. Robles has received services from Yamhill County Adult Mental Health for numerous years. He states that Mr. Robles has long-standing substance abuse problems.

On January 25, 2012, after his court hearing at which he was placed on conditional release, Mr. Robles' met with a Yamhill County Adult Mental Health employee, Stewart Stout. Mr. Stout imposed several conditions that Mr. Robles had to follow as part of his conditional release. Mr. Robles agreed to come to Yamhill County Adult Mental Health in the morning so the ingestion of his psychotropic medicines could be observed. For his evening psychotropic medications, Yamhill County Adult Mental Health arranged to have an employee go to Mr. Robles' house where the ingestion of his psychotropic medicines could be observed. From that date through February 02, 2012, Mr. Sprague reports that Mr. Robles repeatedly failed to make himself available for either his morning or his evening dose of psychotropic medication.

Mr. Sprague reports that on February 01, 2012, Mr. Robles came to the Yamhill County Adult Mental Health office. Mr. Robles was ordered to take a urinalysis test as a condition of his release. The result was positive for the use of PCP and marijuana. Mr. Robles had been repeatedly told in his January 25, 2012 meeting with the Yamhill County Adult Mental Health employee that he was to not consume any alcohol or non-prescribed drugs. Mr. Sprague reports that he observed Mr. Robles' mental health was rapidly declining.

On February 02, 2012, Mr. Robles came to the Yamhill County Adult Mental Health office. Mr. Sprague met with Mr. Robles, and determined that he needed immediate hospitalization and psychiatric stabilization. Mr. Sprague decided to attempt to deal with it in a community setting. He was not able to find in-patient psychiatric care in Yamhill County. He did find an open bed at the Cedar Hills Hospital, a psychiatric care facility in Beaverton. Mr. Robles was admitted to that

hospital on that date.

He states that he has visited Mr. Robles during this hospitalization and that Mr. Robles continues to refuse some of his anti-psychotic medications causing his mental health to deteriorate further. He states that due to Mr. Robles' current mental state, he will need a longer period of hospitalization than he can receive at Cedar Hills. Therefore, he can only be adequately cared for on an involuntary basis at the Oregon State Hospital.

Based on the above information, it is my recommendation to the Psychiatric Security Review Board that David Robles' conditional release be revoked and that he be ordered transported to Oregon State Hospital for care, custody and treatment.

DATED this 8th day of February, 2012.

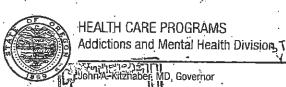
Matthew Berndt

SUBSCRIBED AND SWORN to before me, in Multnomah County, in the State of Oregon, this 8th day of February, 2012.

OFFICIAL SEAL
E KING
NOTARY PUBLIC-OREGON
COMMISSION NO. 432896
MY COMMISSION EXPIRES SEPTEMBER 25, 2012

Notary Public for Oregon

My commission expires: 9-25-12-



12 FEB 14 AM 10: 02

February 10, 2012

TRIAL COURT ACHIMISTRATOR This is to advise you that an Oregon State Hospital Review Panel hearing has been scheduled in the following matter:

Individual:

DAVID MARTINEZ ROBLES

Date and Time:

March 2, 2012; the hearing docket will begin at 8:30

Place:

Oregon State Hospital, Kirkbride Building 2600 Center Street NE, Salem, OR 97301

Type of Hearing:

Revocation

Issue/Purpose:

Whether the individual is still affected by a mental disease, and presents

a substantial danger to others, and is or is not a proper subject for

conditional release.

Authority/Jurisdiction:

ORS 161.295 - ORS 161.400

OAR 309-092-0000 - OAR 309-092-0240

Instant Offenses:

Arson I, Burglary I

Court Case No:

Yamhill County Case No. CR110171DV [DA# 103006]

The individual has the right to appear at all proceedings, except Oregon State Hospital Review Panel deliberations. He or she has the right to cross-examine all witnesses appearing to testify at the hearing, the right to subpoena witnesses and documents as provided in ORS 161.395. The individual has the right to legal counsel, and if indigent as defined by the indigency standard set forth by the State Court Administrator's office, to have counsel provided without cost. The individual also has the right to examine all information, documents and reports under consideration.

Representation of the State, if any, is handled by Assistant Attorney General Lynn Larsen, who represents the Department of Justice of the State of Oregon at Panel Hearings. If you have any questions regarding this matter, please do not hesitate to contact me.

Very truly yours.

Micky Logan

Legal Affairs Director

OSH Forensics and Legal Affairs Department

David Robles: Harris Matarazzo; Lynn Larson;

Ronelle Shankle; Brad Berry; Hon. Carroll J. Tichenor; State Hospital Unit; Psychiatric Security Review Board;

2600 Center Street NE Salem, OR 97301-2682 Voice: 503-945-2800

> Fax: 503-945-2807. TTY: 800-735-2900

- 11	
1	IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF YAMHILL  THE STATE OF OREGON,  Plaintiff,  No. CRIDITION  MOTION AND ORDER OF DISMISSAL  Defendant.
2	THE STATE OF OREGON,
3	Plaintiff,  No. CRIOI710V
4	v.
5	David Robles OF DISMISSAL
6	Defendant.
7	TO JUDGE: Tichenor
8	COMES NOW THE STATE OF OREGON, plaintiff in the above-captioned matter and moves the court for an order
9	dismissing the following charge(s) in this case <u>Ct 2</u> , <u>Ct 3</u>
10	
11	THIS MOTION IS BASED ON the interest of justice and upon the following specific reason(s):
12	The defendant has pleaded guilty to other charges.  There is insufficient evidence to obtain a conviction.
13	A necessary state's witness is not available for trial.
14	The victim has requested that the matter be dismissed and public interest factors do not exist to warrant overriding that request.
	The defendant has been indicted on charges arising out of the same conduct, Case No
15	The defendant has successfully completed diversion.
16	X Other reason: defendant found Guilty But Inscare on  Ct    DATED: 1-31-12
17	DATED: 1-31-12 Rate Petersen  District Attorney or Deputy
18	ORDER
19	BASED UPON THE ABOVE MOTION, IT IS HEREBY ORDERED that the above-listed charge(s) be and hereby are
20	dismissed.
21	IT IS HEREBY FURTHER ORDERED THAT
22	arrest warrant, if any, shall be withdrawn.
23	security, if any, being held in this matter for this defendant be and hereby is exonerated if this order results in the dismissal of all counts, otherwise the said security or other release agreement shall remain in effect.
-	security, if any, posted shall be transferred to
24	DATED: 2-1-12 Collicher
25	Judge
26	Fingerprint Number: 8225168 Agency Case Number: MNS/11000747
	MOTION AND ORDER FOR DISMISSAL  DISTRICT ATTORNEY  Page 1 of 1

Yamhill County Courthouse
McMinnville, Oregon 97128 (503) 472-9371 (fax: 503-434-5760)
districtattomeyoffice@co.yamhill.or.us



#### Justice Integrity Unit, SB 819 Application

#### APPLICATION DESCRIPTION

Please provide the required information and complete this application in its entirety to apply for review of your conviction(s). Be sure to include copies of any documents that support your application/claims. Do not send original documents or your only copy of any documents.

This form and supporting documents may be mailed to:

Multnomah County District Attorney Attn: Justice Integrity Unit 1200 SW First Ave Portland, OR 97204

You may also email the forms and supporting documents to: justiceintegrityunit@MCDA.US

This document, and any information that you provide to the Multnomah County District Attorney's Office, is subject to release under the Oregon Public Records law, found at ORS Chapter 192

IMPORTANT: If you are currently represented by an attorney, the JIU will only communicate with your attorney. You should consult your attorney before submitting your application; your attorney may want to wait to submit the application or submit the application on your behalf.

#### THIS APPLICATION CONTAINS THE FOLLOWING

- Important notifications
- Applicant information
- Case information
- General SB 819 questionnaire
- Information about specific application type

#### WHO MAY FILL OUT THIS APPLICATION

An SB 819 Application must be filled out by the convicted person who is seeking to have their conviction(s) reviewed by the Multnomah County District Attorney Justice Integrity Unit ("JIU"), or the application may be filled out by the convicted person's designee.

A convicted person's designee is any person that the applicant has expressly given permission to in order to fill out this application. A designee may be the convicted person's lawyer, a legal clinic or legal organization writing on the convicted person's behalf, or any other individual that has been given express permission by the convicted person.

The convicted person who is applying for review by the JIU must fill out the following sections regarding designees (if applicable), important notifications, and authorizations. All other sections may be completed either by a convicted person's designee. The term "applicant" is used throughout the application to refer to either a designee or a convicted person.

l, as the convicted person named above, who would like my case revier providing express consent for the person named in this application as r
Name of the designee assisting in the completion of this application please provide their name and contact information. If you are being assisted by an attalegal professional, please write their bar or CLS number (if applicable).
Name of the convicted person
A designee is helping me fill out this application.
I am filling out this application for myself as the convicted person.
Which of the following options best describes the person filling out this Mark only one circle.

Excessive Sentence Application

Justice Integrity Unit

O No, I do not provide consent.

O Yes, I provide consent.

".noiling out this application."

Mark only one circle.

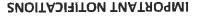


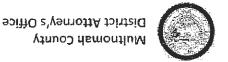
#### **IMPORTANT NOTIFICATIONS**

3.1 Please initial each statement below to show understanding and acceptance of the following terms. Don't initial any statement you don't understand or that you don't agree with Mark only one circle

		I have read and understand this statement	I do not understand and/or agree with this statement
	This document, and any information that you provide to the Multnomah County District Attorney's Office, is subject to release under the Oregon Public Records law, found at ORS Chapter 192.	•	0
	Requesting review by submitting this application to the JIU will not toll the time you have to pursue post-conviction remedies, such as filing an appeal or post-conviction motion. You need to pursue those remedies separately. Additionally, acknowledgement of receipt of my Application by the JIU does not mean the JIU will agree to jointly petition, and I understand that the JIU may ultimately determine that my cases not appropriate for anoint petition for reconsideration.	•	0
/	The Justice Integrity Unit is a program of the Multnomah County District Attorney's Office. They are not defense lawyers. They do not provide legal advice.	•	0
	I understand I am providing information to a prosecutor's office and that any statements here are provided voluntarily.	<b>©</b>	. 0
	I understand my statements on this application might have to be disclosed based on mandatory reporting requirements and Brady obligations that apply to the Multnomah County District Attorney's Office.	•	0
	I understand that there could be negative consequences for me if have lied in this.		Ö
	No-one has promised me anything to fill out this application.	•	0
	I understand the Justice Integrity Unit reviews cases based on its own standards and my case may or may not be reviewed or investigated.	•	0
	I understand the JIU is under no legal obligation to review my case and may not be able to review my case or resolve my claims.		0
	I understand the Justice Integrity Unit may contact the people or witnesses I have listed in this application to talk with them about my conviction.	•	0

#### mort noitemrothi enacts of noissimned Ult edit evig of thew I Project, the Oregon Justice Resource Center. Criminal Justice Reform Clinic, the National Innocence Innocence Project, the Lewis & Clark School of Law 0 with the JIU. This includes and is not limited to the Oregon contacted permission to share information from their files I want to give any innocence organization that I have 0 permission to share information from their files with the l want to give my attorneys and former attorneys statement statement: with this I agree with this I do not agree Mark only one oval per row. The following statements are OPTIONAL, you do nat have to accept them for the JIU to begin reviewing your case. follow this page of the application. If you agree to the following statements, please fill out the optional authorization sections that E.E My attorney is acting as my designee in helping me submit this application. after consulting with my lawyer. I am currently represented by an attorney but wish to submit this application on my own I am not currently represented by an attorney. Mark only one circle Select the statement that best represents your status at the time of submitting this application 2.5





innocence work.

any other innocence organization or law clinic related to

their review of my case with any local innocence project or

0



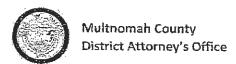
#### **APPLICANT INFORMATION**

4.1	Are you currently serving your sentence from this conviction?  Mark only one circle
	Yes, I am in prison. (USH Junction City)
	O Yes, I am on probation.
	O Yes, I am on parole.
	O No, I am not currently serving my sentence from this conviction.
	O I do not know.
4.2	David Marthez Robles
4.3	Your SID Number
4.4	Your race/ethnicity
	O African American / Black
	O Asian American / Pacific Islander
	Caucasian / White
	Latino/a
	Native American
	O Other
	O Prefer to not answer
4.5	Your native language English
4.6	Your current mailing address  1 29398 Recovery Way, Junction City, OR, 9748
4.7	Your date of birth

Your age when the crime was committed

9T.4

	If you do not remember the exact address, please provide cross streets or neighborhood and city
ST. <b>⊅</b>	Your home address when the crime was committed
4.14	Name of Judge who sentenced you
	O I do not know.
	My case ended in a trial.
	My case ended in a plea.
	Mark only one circle
4.13	Did your case end in a plea or trial?
	·
4.12	Incident date(s) of crime(s)
	20. /- 000/22/200
ĭĭ. <b>⊅</b>	Date(s) of conviction(s)  Date(s) of conviction(s)
	Charge(s) on conviction(s)
4.10	Charge(s) on conviction(s)
	- /4000 > 11.4 mox
6.4	County in which you were convicted
8.4	Court case number(s) on convicted case(s)
NII JCWO	INDIANO LA POLICIA DE LA POLIC
TACE IN	iFORMATION   General



	CASE INFORMATION			
5.1 <sup>-</sup>	List all the Attorney(s) who have represented your series of the Attorney (s) which is the Attorney	ou in the conviction  HULLS	n related to yo	our application
5.2	Select Yes for each statement that is true Mark only one circle per row.			
		Yes	No No	I don't know
	My conviction(s) was/were from a plea		0	0
	My conviction(s) was/were from a bench trial			0
	My conviction(s) was/were from a jury trial	0		0
	My conviction(s) was from a jury trial and the verdict(s) was/were not unanimous (10-2, 11-1).	0	0	0
PRIO	R APPEALS AND LEGAL PROCEEDINGS			
5.3	Do you have any active appeals or post-conviction  Mark only one circle	on motions?		
	② Yes			
	No No	•		
5.4	If you have any active appeals or post-conviction	n motions, provid	e the case num	nber
5.5	If you have any active appeals or post-conviction  Mark only ane circle	n motions, what c	ourt is it in?	
	📿 Trial Court			
	OR Court of Appeals			
	OR Supreme Court			
	O Federal District Court			
	O 9th Circuit Court of Appeals			
	O US Supreme Court			
	O I don't know			
	Not applicable			

Mot applicable	
O I don't know	
on O	
²₊ SeY ○	
Mark only one circle	IĮ'S
°N (	
Nes ○	
Have you filed a motion for DNA testing under OR law? Mark only one circle	0T <sup>.</sup> S
DNA evidence was not used at my trial	
lait not have a trial	
J don't know	
esnefense O	
estete O	
Was DNA evidence used in a trial on your case, was it by:	6.2
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Was DNA evidence used in your case? Mark only one circle	8.2
A DNA TESTING	ОІЯЧ
If you have filed any post-conviction motions before in this case provide case information.	۲.2
on 🌑	
S∌Y ○	
Have you filed any post-conviction motions before in this case? Mork only one circle	9·S



5.12	If you have filed a motion for DNA testing under OR law, was testing done?  Mark anly one circle			
	O Yes			
	O No			
	O I don't know			
	Not applicable			
CONT	ACT WITH INNOCENCE ORGANIZATIONS			
5.13	Have you contacted any local Innocence Organizations or law clinics about your case?  Mark only one circle			
	O Yes			
	♠ No			
	O I don't know			
5. <b>1</b> 4	If you have contacted any local Innocence Organizations or law clinics about your case, which organization and when?			
5.15	If you have contacted any local innocence Organizations or law clinics about your case, are they currently investigating?  Mark only one circle			
	O Yes			
	O No			
	O I don't know			
	Not applicable			
PREVI	OUS CLEMENCY PETITIONS			
5.16	Have you applied for clemency, commutation, pardon, or reprieve before?  Mark only one circle			
	Yes			
	O No			
	O I don't know			
5.17	If you have applied for executive elemency before, what date did you submit your application?			

<i>3</i> *	
What was the outcome of your application for set aside or expungement?	5.23
expungement? If so, which one?	
Did you have the help of any legal clinic or organization in applying for set aside or	5.22
If you have applied for set aside or expungement, what date(s) did you submit your tion(s)? $A / M$	5.21 epilqqe
	FC 3
O I don't know	
oN 📵	
∑ Yes	
Mave you applied to have the conviction from this application set aside or expunged?	5.20
SUS EXPUNGEMENT APPLICATIONS	PREVIC
If you received an answer on your petition(s) from the Governor's office, what date(s) did you receive an answer(s)?	61.2
eldesilqqe fol	
1 don't know	
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795 O	
Did you receive an answer on your petition(s) from the Governor's office?  Mark only one circle	81.2



#### **SB 819 QUESTIONNAIRE**

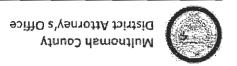
	True	Not True
My conviction(s) happened in Multnomah County, Oregon.	0	
The conviction(s) I am applying for review of is/are not aggravated murder.	•	0
The conviction(s) I am applying for review of was/were sentenced as felony convictions.		0

6.2 Check true for every statement that is true. You can check as many boxes as you need.

	True	Not True
A witness/informant who testified against me has recanted or changed their testimony.	•	0
I was not at the crime scene and have an alibi.	0	• .
Police said I confessed to them, but I did not.	•	. 0
Police said I confessed to them, but my statement was coerced.		0
An eyewitness or victim didn't know me but identified me as the committing the crime, and got it wrong.	0	•
There is new evidence that proves my innocence that wasn't available when I went to trial or entered my plea.	•	0
There is new evidence that shows my trial was unfair that wasn't available when I went to trial or entered my plea.	•	. 0
There was scientific testimony at my trial that was wrong or has been discredited.	0	. · ·
There is DNA in my case that was never tested.	. 0	(6)
The officer who arrested me or presented testimony against me was arrested or has a sustained finding of dishonesty or bias, or there was news coverage of bad conduct on the part of the officer.	0	•
The State used hair comparison evidence against me.	0	•
Forensic evidence used in my case should not have been relied upon.	0	
I don't know the answer to some or all of these questions	0_	
		€

			bias. swer only if you selected "true" to the statement "The off	10
	t arrested yoù or		e the space below to provide the name and DI sented testimony against you that has been a	
	·Ú.	<u> </u>		_
				—
-		<u></u>		
	גר שמז שרסחק סר המ	امs scientific testimony at my trial th	wer only if you selected "true" to the statement "There was discredited." $A$	zпA
			s wrong or has been discredited.	
) dag	tent leist that	Je vnomitset citientise vne ju	e the space below to provide explanations abo	ıςη
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	that wasn't		wer only if you selected "true" ta the statement "There is	ıznA
			ocence that wasn't available when you went t	
	es vour	ut any new evidence that prov	e the space below to provide explanations abo	∍s∏
	•	in court.	yewitness or victim identified me for the first time	9 uĄ
	•	· C	yewitness or victim identified me from a live lineup	∌ u∀
		ay or photo lineup.		און ב
		amough ofoda 30 Vr	yewitness or victim identified me from a photo arra	0 u v

Check true for every statement that is true. You can check as many boxes as you need.





#### **EXCESSIVE SENTENCE CLAIM**

Please check all that apply	_	
	True	Not True
l am currently incarcerated.	O	O
I have served at least 5 years of my sentence.	0	0
The conviction or convictions I'm applying about were not part of a global plea deal with multiple counties.	0	0
None of the above statements apply to me.	0	0
Please check all that apply	This applies to me	This does not apply to me
I was sentenced as a juvenile, and I have a term of incarceration remaining on my sentence that will involve me being transferred to adult prison.	0	. 0
I committed the crime(s) when I was younger than 18 years old.	0	0_
l am over the age of 60.	0	0
I have a terminal or debilitating illness (suffering from an incurable condition that is likely to lead to death within two years or suffering from an illness that requires chronic assistance with a necessary daily function, such as eating, breathing, toileting, walking, or bathing).	0	Ö
I am currently on hospice care.	0	0
My conviction(s) are for non-person crimes and my total sentence is longer than 10 years.	0 %	0
My conviction(s) are for person crimes and my total sentence is longer than 16 years.	0	0
None of the above statements apply to me.	_ O	0
Please Briefly and accurately explain the events surrounding your from the official version of events, you must give the official versi in which your view differs.	offense. If you	r version differs
	I have served at least 5 years of my sentence.  The conviction or convictions I'm applying about were not part of a global plea deal with multiple counties.  None of the above statements apply to me.  Please check all that apply  I was sentenced as a juvenile, and I have a term of incarceration remaining on my sentence that will involve me being transferred to adult prison.  I committed the crime(s) when I was younger than 18 years old.  I am over the age of 60.  I have a terminal or debilitating illness (suffering from an incurable condition that is likely to lead to death within two years or suffering from an illness that requires chronic assistance with a necessary daily function, such as eating, breathing, toileting, walking, or bathing).  I am currently on hospice care.  My conviction(s) are for non-person crimes and my total sentence is longer than 10 years.  My conviction(s) are for person crimes and my total sentence is longer than 16 years.  None of the above statements apply to me.	I have served at least 5 years of my sentence.  The conviction or convictions I'm applying about were not part of a global plea deal with multiple counties.  None of the above statements apply to me.  Please check all that apply  This applies to me  I was sentenced as a juvenile, and I have a term of incarceration remaining on my sentence that will involve me being transferred to adult prison.  I committed the crime(s) when I was younger than 18 years old.  I am over the age of 60.  I have a terminal or debilitating illness (suffering from an incurable condition that is likely to lead to death within two years or suffering from an illness that requires chronic assistance with a necessary daily function, such as eating, breathing, toileting, walking, or bathing).  I am currently on hospice care.  My conviction(s) are for non-person crimes and my total sentence is longer than 10 years.  My conviction(s) are for person crimes and my total sentence is longer than 16 years.  None of the above statements apply to me.  Please Briefly and accurately explain the events surrounding your offense. If your from the official version of events, you must give the official version before explaints.

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0

m currently over the age of 60.		<u>-</u>
vas not the main perpetrator of the crimes I was convicted ot, and was arged under an aid and abet theory for helping the main perpetrator or example, you were the get-away driver).	:	P
lid something illegal because I was forced to do it by someone else.	9	Ò
lid something illegal, but I was under 25 at the time of the crime.	0	
lid something illegal, but I was under 18 at the time of the crime.	· 0	
lid something illegal, but I had a condition that affects my ability to act understand right from wrong.	<b>(</b>	0
lease check every statement that applies to you	) Yes	οN
hat should not have been relied upon.  nawer only if you selected "true" to the statement "Forensic evidence used in my case  pon."	3 short ton bluods	beiler neel
Ise the space below to provide brief explanations about the forensic e	ni bəsu əənəbive	υ λοης cs

#### APPLICATION TYPE

Mark only one circle	
Please identify which claim you are seeking.	I.S

l currently have a terminal or debilitating illness.

misto eonecenni O

I am currently in hospice.

- Excessive sentencing claim
- Collateral consequences claim



9.4	Explain any challenging circumstances you dealt with leading to your conviction.  For exomple, substance use, domestic violence, mental health challenges, etc.  OUT MANU WAS FIVE CONCEPTION  OUT WAS A LIVER WAS CONCEPTION
9.5	Describe your family situation and responsibilities, indicating whether you are single, married, or divorced, and whether you have dependent children or other people for whom you are financially responsible. Please also tell us about non-traditional family members or relationships.
9.6	Describe your employment before your incarceration. Give the name and addresses of past employers. Describe what kind of work you did and tell why you left.
9.7	If you have been working while in custody, describe your work.  Scapeing  Scapeing

	-
ASS SI THOINTO DIA PURKU	- - - -
Describe your record of discipline while in custody.	- - - -
Describe your past criminal record.  Apply 2 1000 1000 1000 1000 1000 1000 1000 1	_ OI. _ _
School ages of the	 
ell about your involvement with any public service or community activities. List any special complishments.	
His to be the contract to the	- - -
escribe your plans for future employment, and any activities you've engaged in while in ustody to help you in your future plans.	

	- a f	XH to	Pay Silk	WOK
Release transpor custody.	plan: Please describe your ration, and what community	plans for where y	ou will live, how you light use if you were to see if you will be seen to see if you were to	u will find e to be released f
crime. W circumsta or from o	r References. Do not list rel hether they know about th inces and activities. (You n ther individuals, if you wou bject line "FULL NAME_SB &	e crime or not, th nay email letters o ald like to, howeve	ey must be familia of recommendatior	with your present from these references

Randy Downing

259 S 3rd St

St Helens OR 97051

(503) 473-2589

randy.downing@gmail.com

10/28/2022

RE: David Robles

To whom it may concern,

My name is Randy Downing. On November 29th I will have 28 years of sobriety. I was David Robles AA sponsor while he lived in St Helens and I've been in communication with him regularly since he was returned to the state hospital providing support as best I can as his sponsor.

While David was part of our community, he was actively participating in a sobriety program, and regularly attending meetings. He regularly volunteered at the Alano club. He was also the cofounder and instrumental in creating the Wellbriety Native American recovery meeting in our community. David spent quite a bit of his free time at the Alano club helping others. David was also quite generous to a fault sometimes as I would warn him. And I believe people took advantage of his generosity.

David was a valued member of our community. People always speak well about him. No one in our community that I know of deemed him as any type of threat at all. I know he would be welcomed back in our sobriety community and have many support members that already know him here.

Thank you for taking the time to read this,



9200 NE Abbey Road, Carlton, OR 97111

March1, 2023

To Whom it may concern;

I am Fr. Richard Layton, a monk of the Trappist Abbey of Our Lady of Guadalupe, near Carlton Oregon, 97111. I am a Catholic priest and the spiritual director to David Robles.

Since 1969 I have been a member of the Abbey community, which is an enclosed community of contemplative monks dedicated to prayer and meditation.

I have known David Robles for many years and he has known the Abbey for many years (since he was 13 years old). I have visited David at OSH many times and on Zoom during the pandemic.P

I know that David has had mental health issues since he was very young. It seems to be mainly Bi-Polar. He has had periods of instability, mostly manic (I believe); but, also, many periods in which he has functioned well and proved himself a good "survivor" in society.

I understand that his case may be reviewed and there may be a possibility for his release after serving 11 years of his 20-year term. Since I know that, with some monitoring, he can survive when he is on his own, I am happy that his release may be reviewed and considered.

Please use my remarks in any way that might help David be given a fair hearing.

& Kicken Lanton

Sincerely,

Fr. Richard Layton, Trappist Abbey, 503 852-0103 (direct line) and email: dicklayton@trappistabbey.org and 503 550-3745 (cell)

Randy Downing

259 S 3rd St

St Helens OR 97051

(503) 473-2589

randy.downing@gmail.com

10/28/2022

RE: David Robles

To whom it may concern,

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David was a valued member of our community. People always speak well about him. No one in our community that I know of deemed him as any type of threat at all. I know he would be welcomed back in our sobriety community and have many support members that already know him here.

Thank you for taking the time to read this,

March 10, 2023

Re: David Robles Time Served SB819

To Whom it May Concern:

Mr. Robles has been sentenced under the PSRB as a GEI and was given a 20-year sentence for Burglary I. He has already served 11 years at the Oregon State Hospital.

Mr. Robles has progressed and successfully improved his mental health and well-being. He has proven his ability to function well within the community and get along with others.

I have personally known David Robles for the past 12 years. I have seen tremendous growth and promise in him. I hope he will be given the opportunity to flourish in the community and be able to be a productive member of society. He truly deserves this chance sooner than later.

Respectfully, we ask for your consideration that his case be reviewed under Senate Bill SB819 and his 11 years count as time served.

Please do not hesitate to reach out to me with any questions. My email is <u>juliead72@gmail.com</u> and telephone number is 503-348-6590.

Sincerely,

Julie Donaldson

#### TO WHOM IT MAY CONCERN:

I am writing this letter of reference for Mr. David Robles. I have known David and worked with him closely over the past 5 years. In that time, I have had the opportunity to interact with and observe David in two different settings. I have had some direct supervision withing David's life in a living setting. I was able to observe Dave as a member of a household community and a roommate. During this time David should be commended on his ability to live with unpredictable and occasionally violent humans without being involved in any altercations. In the living areas David consistently conducted himself without violence or aggression in his speech or in his actions. He maintained civility and positive regard for other residents regardless of their abilities or mental status. At one point he was very helpful as a roommate with an exceptionally dysregulated client who looked to Dave for leadership. This Client even assaulted Dave over not having popcorn and Dave again exampled "turning the other cheek and Grace" for this man. Additionally in this time has Dave has been an exemplary roommate without reports of issues from roommates. Overall David had been a positive contributor to the milieus and clients wherever he has lived during this time

David has had periods of what could be called "bitterness" where he felt unsupported by his Inter disciplinary Treatment Teams. These periods can be observed as times when Dave wasn't focused on his recovery but focused on his story that wasn't congruent with his ideal self. At times this has appeared focused on staff and others as the barrier to his success. I spent numerous hours coaching and supporting David thought these times as well. In these times even when expressing institutional trauma David did not make threats or display any unsafe or unpredictable behavior during these challenging times.

The other place where I have observed David is on the Treatment Mall, which is a setting where clients voluntarily go to gain coping and relational skills. In this area Dave has been commendable. He offers insight and experience in class. He attends with enthusiasm and approaches each class with preparation and dedication. He has much to offer through the lessons he has learned. David has some great wisdom about history, culture, and institutional trauma. He has insights that are quite often helpful and beneficial for others.

I can't speak to where David belongs or placements, but I can attest that David has never expressed violent thoughts about others to me in hundreds of hours of engagement. He works diligently to understand and be who he believes he is at his core. David has consistently been willing to take feedback and work on himself when on the mall. David has certainly had personality conflicts but has been safe and predictable in all his actions since I have known him. I personally would have no concerns that David could be successful in a less restrictive environment. I would strongly attest to the consistency of David's character in the time I have known him.

MHRN

J.P. Salisbury

MHRN JUNCTION CITY HOSPITAL

## Patient Grievance: Grievance Committee Response

Staff must complete all sections. Patients must be given a written response within 7 calendar days, even if they decline to meet. Exceptions to this timeline are only approved by the OSH Ombuds.

Patient name:	Pavid Robles	
Unit: MN.3	Date Unit Received: 5/8/23 Avatar #: 8227	
Grievance #(s):	48485	

Screenings		Date Sent		Date of Grievan	ice Review.
Civil Rights: OSH Ombuds and	Family Services	N/A		7/17/202	ろ
	Abuse: Office of the distance	rs) N/A		Patient met A Patient declined	to meet □
The fallowing	staff contribute	ed to this respon		CDA), Jerci	m KATEN
Information a	nd unit respon	se (attach additio	onal pa	ges, if needed)	
☐ This Issue	is ineligible for the	grievance process	s. See at Nev <i>\</i> ∕∕	fached letter for mo	ore informati <b>o</b> n,
Pleuse:	or and	terual vecap	UN FAC		
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Patient Signature:	10 ha at 100
☐ Declined to sign	Grievance Committee Member 2 (Print): 10 MAY/A/U

Distribute a completed two-sided copy to:

Patlent; Ombuds and Family Services; Representative (if applicable); Program Director

17 OSH Policy 7.006: Attachment A



## Patient Grievance\*\*\*



### Place completed form in the grievance box

Use one form for each grievance.

To help staff investigate, include as much detail as possible about your concern.

Patlent Name: 044 985/25
Unit: MAR Date Received 5/8/93
Describe your grievance: Grievance:#: 248495
I have been devised computer access due to my right as a given to me in federal & state constitution. To pursue my religious right to serve my peers through a non-profit. I.e. mental health & drug & alwhol addiction, as per By laws.  What have you done so far to address your grievance?
This is my bags step in residution.
What is your desired outcome?
To gain comparter acess to advocate, indirectly:
I would like to discuss my grievance with a Grievance Committee member Tyes Tho  Patient Signature:  Date: US 07/25
Printed name of staff or representative who helped fill out this form:  Written by unknown  Stuff per baria's own words.
In addition to the OSH grievance process, complaints can be filed with the state agency that has licensure survey responsibility over OSH. See Patient Rights Board for information.
INTERNAL USE ONLY

OSH Gilevance Form

#### **Grievance Committee Response**

Grievance # 48654

Thank you for sharing your concern regarding the response provided to previous grievance (# 48485). The provided response does **not** state a crime was committed. The 5/15/2023 response states "Your computer access will continue to remain on hold based on a history of utilizing the internet to engage in criminal behavior related to a non-profit organization as well as an independent investigation with authorities outside of OSH." Stating a history of criminal behavior refers to conduct that could lead to the commission of an unlawful act and is not the same as stating that someone has been convicted in a court of law.

The Constitution of Oregon, Article I, Section 10. Administration of justice is not applicable to the response provided by the Grievance Committee for Grievance # 48485.

## Patient Grievance: Grievance Committee Response

Staff must complete all sections. Patients must be given a written response within 7 calendar days, even if they decline to meet. Exceptions to this timeline are only approved by the OSH Ombuds.

Patient name:	David Robles	_
Unit: MN3	Date Unit Received:5/16/23	Avatar #: 0 223
Grievance #(s):	48654	
	<u> </u>	

Screenings	Date Sent	Date of Grievance Review:
Civil Rights: OSH Ombuds and Family Services	NIV	5/18/12023
Allegation of Abuse: Office of Training, Investigations and Safety (OTIS)	N/A	Patient met ✓ Patient declined to meet □
The following staff contributed	to this response:	
	(attach additional pa evance process. See a	ages, if needed) attached letter for more information.
see attached		
·		
	•	
		•

Patient Signature:  Declined to sign	Grievance Committee Member 1 (Print): CHU TIME  Grievance Committee Member 2 (Print): O MAYNUV
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Distribute a completed two-sided copy to:

Patient; Ombuds and Family Services; Representative (if applicable); Program Director

OSH Policy 7.006: Attachment A



## Patient Grievance



### Place completed form in the grievance box

Use one form for each grievance.

To help staff investigate, include as much detail as possible about your concern.

Patient Name: David Robles	For Staff use only
Unit: MN3	Date Received 5/16/23
Describe your grievance:	Grievance#-48654
According to response to grievence committed legally, no such provident of law. According to Art the one overgon Bill of kights.	, a crime was
committed legally, no such prov	It came to light in any
court of law. According to Art	icle I section to of
the one oregon Bill of kights.	
	•
What have you done so far to address your grievance?	?
What is your desired outcome?	
Liverid like to discuss por grievened with a Crievenes	Committee member TVes TNe
I would like to discuss my grievance with a Grievance	· / · · · / · · · · · · · · · · · · · ·
Patient Signature: Well Hills	Date: 5/5/23
Printed name of staff or representative who helped fill out this form:	ndra D PN
TOTO THE OUT OF THE OUT OUT OF THE OUT OUT OF THE OUT OF THE OUT O	), Oct 0, 1-1
In addition to the OSH grievance process, complaints can	be filed with the state agency that

INTERNAL USE ONLY OSH Grievance Form

has licensure survey responsibility over OSH. See Patient Rights Board for information.

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Patient Grievance: Grievance Committee Response 5/15/2023

While your IDT and OSH value your religious and free expression rights listed in Article, I Bill of Rights in the Constitution of Oregon we do not believe the restriction of computer privileges violates Freedom of Worship (section 2) and/or Freedom of Religious Opinion (section 3). The IDT would like to be supportive of our desire to serve peers via a non-profit and would consider working with you to develop a Supported Education goal to further your understanding and skills to deliver peer supported services in a religious context without the use of internet access and using manuals or textbooks. Presently you have options available to support and interact with peers at AA/NA meetings and/or DDA. Your computer access will continue to remain on hold based on history of utilizing the internet to engage in criminal behavior related to a non-profit organization as well as an independent investigation with authorities outside of OSH (the actions were a violation of your OSH Internet and Computer Use / Access Contract). Anything you need for your religious practice can be requested from Spiritual Care or your IDT and provided via means other than the internet. At this time the risk of reinstating computer access exceeds the potential benefit of this privilege.

Per OSH Policy 6,030 IE2 failure to follow the provisions in the "OSH Internet and Computer Use/Access Contract" or "Cell Phone Contract" (attached), or possession of devices not allowed under this policy may result in search and possible restriction from using the device or data.

Attached please find a copy of the above referenced policy and your signed Internet Contract.

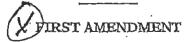
If you disagree with this response you are encouraged to complete the attached grievance review within 7 days and be sure to include your original grievance and response.

Your IDT will discuss this with you at your next scheduled Treatment Care Plan Meeting.

AND DECEM

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#### RELIGION AND FREE EXPRESSION



Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

#### RELIGION

#### An Overview

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Madison's original proposal for a bill of rights provision concerning religion read; "The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, or on any pretence, infringed." The language was altered in the House to read: "Congress shall make no law establishing religion, or to prevent the free exercise thereof, or to infringe the rights of conscience," In the Senate, the section adopted read: "Congress shall make no law establishing articles of faith, or a mode of worship, or prohibiting the free exercise of religion, . . ." It was in the conference committee of the two bodies, chaired by Madison, that the present language was written with its some-

<sup>1</sup> Annals of Congress 434 (June B, 1789).

The committee appointed to consider Madison's proposals, and on which Madison served, with Vining as chairman, had rewritten the religion section to read: "No religion shall be established by law, nor shall the equal rights of consolence be infringed." After some debate during which Madison suggested that the word "national" might be inserted before the word "religion" as "pointing) the emendment directly to the object it was intended to prevent," the House adopted a substitute reading; "Congress shall make no laws touching religion, or initinging the rights of conscience." I Annals of Congress 729-31 (August 16, 1789), On August 20, on motion of Fisher Ames, the language of the clause as quoted in the text was adopted. Id. at 768, According to Madison's biographer, "[t]here can be little doubt that this was written by Madison," I. Brant, James Madison—Father of the Constitution 1787-1800 at 271 (1950),

This text, taken from the Senate Journal of September 9, 1789, appears in 2 B. Schwarz (ED), The Bill of Richts: A Documentary History 1153 (1971). It was at this point that the religion clauses were joined with the freedom of expression clauses.

#### ARTICLE I BILL OF RIGHTS

Natural rights inherent in people Freedom of worship Sec. Freedom of versing
Freedom of religious opinion
No religious qualification for office
No money to be appropriated for religion
No religious test for witnesses or jurors
Manner of administering oath or aftirmation
Freedom of speech and press
Investorable speeches or privates Unreasonable searches or seizures Administration of justice Rights of Accused in Criminal Prosecution Double jeopardy, compulsory inorimination Treatment of arrested or sonfined persons Ballable offenses Foundation principles of oriminal law Excessive bail and fines; orust and unusual 16, punishments; power of jury in criminal case 17. Jury trial in civil cases 18, Private property or services taken for public 19. Imprisonment for debt Equality of privileges and immunities of oit-20. Ex-post facto laws; laws impairing contracts; laws depending on authorization in order to take effect; laws submitted to electors 21 Suspension of operation of laws 22. 28. Habeas corpus 24 Trenson 25, Corruption of blood or forfeiture of estate Assemblages of people; instruction of repre-sentatives; application to legislature 26, Right to bear sums; military subordinate to 27. oiril power Quartering soldlers Titles of noblity; hereditary distinctions 28. 28. Emigration 80. Taxes and duties; uniformity of taxation Enumeration of rights not exclusive 82, 88, Slevery or involuntary servitude Sale of liquor by individual glass 40, Panalty for aggravated murder Work and training for corrections institution inmates; work programs; limitations; duties of corrections director Rights of vioting in oriminal prosecutions and 42, juvanile court delinquency proceedings
Rights of victim and public to protection
from accused person during crimical procesdings; denial of pre-trial release
Term of imprisonment imposed by court to 43. be fully served; exceptions Person convicted of certain crimes not eligi-45. ble to sarve as juror on grand jury or trial jury in uriminal case Prohibition on denial or abridgment of rights 48.

Section 1. Natural rights inherent in people. We declare that all men, when they form a social compact are equal in right; that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper.

on account of sex

Section 2. Freedom of worship, All men shall be secure in the Natural right, to worship Almighty God according to the dictates of their own consciences.—

Section 3. Freedom of religious opinion. No law shall in any case whatever control the free exercise, and enjoyment of religious sic opinions, or interfere with the rights of conscience.

Section 4. No religious qualification for office. No religious test shall be required as a qualification for any office of trust or profit. —

Section 5. No money to be appropriated for religion. No money shall be drawn from the Treasury for the benefit of any religeous [sio], or theological institution, nor shall any money be appropriated for the payment of any religeous [sic] services in either house of the Legislative Assembly. —

Section 6. No religious test for witnesses or jurors. No person shall be rendered incompetent as a witness, or juror in consequence of his opinions on matters of religion [sic]; nor be questioned in any Court of Justice touching his religious [sic] belief to affect the weight of his testimony.

Section 7. Manner of administering nath or affirmation. The mode of administering an oath, or affirmation shall be such as may be most consistent with, and binding upon the conscience of the person to whom such oath or affirmation may be administered. —

Section 8. Freedom of speech and press. No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right. —

Section 9. Unreasonable searches or seizures. No law shall violate the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search, or seizure; and no warrant shell issue but upon probable cause, supported by eath, or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.

Section 10. Administration of justice. No court shall be secret, but justice shall be administered, openly and without purchase, completely and without delay, and every man shell have remedy by due course of law for injury done him in his person, property, or reputation. —

Section 11. Rights of Accused in Criminal Prosecution. In all criminal prosecutions, the accused shall have the right to public trial by an impartial jury in the

OSH Policy 7.006: Attachment A



### **Patient Grievance**



### Place completed form in the grievance box

Use one form for each grievance.

To help staff investigate, include as much detail as possible about your concern.

INTERNAL USE ONLY OSH Grievance Form

In addition to the OSH grievance process, complaints can be filed with the state agency that

has licensure survey responsibility over OSH. See Patient Rights Board for information.

## Patient Grievance: Grievance Committee Response

Staff must complete all sections. Patients must be given a written response within 7 calendar days, even if they decline to meet. Exceptions to this timeline are only approved by the OSH Ombuds.

Unit: MN3 Date Unit Received: 5/16/23 Avatar #: 40227				
Grievance #(s):	48656		· · · · · · · · · · · · · · · · · · ·	
Serenings		Daier Senir	Date of Grievance Revie	W.
Civil Rights: OSH Ombuds and Far	nily Services	N/A	5/10/002	
Allegation of Abs Training, Investigations	use: Office of	N/A	Patient met D  Patient declined to meet	; □
WW DIV	rur cuch	to this response	Manua (UA)	
			al pages, if needed) See attached letter for more informa	ation.
see att	acred			
; <u>t</u> ;				
A STANKE				
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				'

Distribute a completed two-sided copy to:

Patient; Ombuds and Family Services; Representative (if applicable); Program Director

Grievance Committee Member 1 (Print):

Grievance Committee Member 2 (Print): (

Completion Date:

☐ Declined to sign

Patient name:

#### **Grievance Committee Response**

Grievance # 48656

The Grievance Committee empathizes with the frustration you are experiencing related to alleged accusations made by your previous treatment team on FT1. Currently there is an outside investigation that OSH and staff, FT1 or otherwise have no control and/or current information. Unfortunately, until such time as this is resolved the IDT is unable to request additional privileges on your behalf from Risk Review. You mentioned in your grievance that you have contacted a lawyer to discuss your civil rights and your current treatment team encourages you to continue to do what you think is best for you in this situation.

The MN3 IDT appreciates your treatment engagement and will be happy to discuss with you at your next scheduled Treatment Care Plan Meeting (5/31/203), ways you can become and stay Risk Review ready so when this outside investigation is resolved steps for Conditional Release and placement options can be explored.

OSH Policy 7.006: Attachment A



### **Patient Grievance**



### Place completed form in the grievance box

Use one form for each grievance.

To help staff investigate, include as much detail as possible about your concern.

Patient Name: Quid \$25/85	For Staff use only
Unit: MNZ	Date Received: 5/16/23
Describe your grievance:	Grievance# 48035
My room was illegally searched	acording to Article 1
My room was illegally searched section and of the Oregon Bill of Righ	ts.
•	
What have you done so far to address your grievance?	•
	•
What is your desired outcome?	
I would like to discuss my grievance with a Grievance C	ommittee member □Yes □No
Patient Signature:	Date: 5/5/21
Printed name of staff or representative who helped fill out this form:	idra D. EN
In addition to the OSH grievance process, complaints can b	e filed with the state agency that

INTERNAL USE ONLY OSH Grievance Form

has licensure survey responsibility over OSH. See Patient Rights Board for information.

## Patient Grievance: Grievance Committee Response

Staff must complete all sections. Patients must be given a written response within 7 calendar days, even if they decline to meet. Exceptions to this timeline are only approved by the OSH Ombuds.

Patient name: (		
Unit: MN 3	Date Unit Received: 5/16/23 Avatar #: 0 203	
Grievance #(s):	48655	

	APPER DE LA COMPANIA DEL COMPANIA DE LA COMPANIA DEL COMPANIA DE LA COMPANIA DE L	
Screenings	Date Sent	Date of Grievance Review:
Civil Rights:		5/10/2027
OSH Ombuds and Family Services	N/K	11000
Allegation of Abuse: Office of	11/1	Patient met
Training, Investigations and Safety (OTIS)		Patient declined to meet □
The following staff contributed	to this response:	Many and (UA)
Information and unit response	(attach additional pa	ages, if needed)
☐ This issue is ineligible for the gr	rievance process. See a	attached letter for more information.
		•
-		,
		•
	•	·
		'

Patient Signature:	Grievance Committee Member 1 (Print): WILLEN MULTINUM
Warrel HATE	Grievance Committee Member 1 (Print): WUI Filmer
☐ Declined to sign	Grievance Committee Member 2 (Print): 10 MW/Marr

Distribute a completed two-sided copy to:

Patient; Ombuds and Family Services; Representative (if applicable); Program Director

(e) Religious Francist Constitution of OREGON Cara Dist. 1811

#### ARTICLE I BILL OF RIGHTS

Sec. 1 Natural rights inherent in people Freedom of worship Freedom of religious opinion No religious qualification for office No money to be appropriated for religion No religious test for witnesses or jurors Manner of administering oath or affirmation Freedom of speach and press
Unreasonable searches or seizures 10, 11, 12, Administration of justice Rights of Acoused in Criminal Presecution Double \_leopardy; compulsory inorimination X18. Treatment of arrested or confined persons Ballable offenses 16, Foundation principles of oriminal law Excessive ball and fines; cruck and unusual 16. punishments; power of jury in criminal case Jury trial in civil cases 17, 18. Private property or services taken for public 19, Imprisonment for debt Equality of privileges and immunities of oit-20. Ex-post facto lews; laws impairing contracts; laws depending on authorization in order to take effect; laws submitted to electors Suspension of operation of laws Habeas corpus 28. 24 Treason 25, Corruption of blood or forfeiture of extate 26, Assemblages of people; instruction of repre-sentatives; application to legislature hight to bear arms; callitary subordinate to nivil power Quartering soldiers Titles of nobility; hereditary distinctions Emigration Taxes and duties; uniformity of taxailon Enumeration of rights not exclusive Slavery or involuntary servitude Sale of liquor by individual glass 89, 40. Penalty for aggravated murder Work and training for corrections institution inmates; work programs; limitations; duties of corrections director

Section 1. Natural rights inherent in people. We declare that all men, when they form a social compact are equal in right; that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper.

Rights of viotin in oriminal prosecutions and

Rights of victim and public to protection from accused person during crimical proceedings; denial of pretrial release Term of imprisonment imposed by court to

Person convicted of certain crimes not eligi-

ble to serve as juror on grand jury or trial jury in uriminal case Prohibition on denial or abridgment of rights

juvenile court delinquency proceedings

be fully served; exceptions

Section 2. Freedom of worship. All men shall be secure in the Natural right, to worship Almighty God according to the dictates of their own consciences.—

Section 3. Freedom of religious opinion. No law shall in any case whatever control the free exercise, and enjoyment of religious sic opinions, or interfere with the rights of conscience.

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Section 5. No money to be appropriated for religion. No money shall be drawn from the Treasury for the benefit of any religeous [sic], or theological institution, nor shall any money be appropriated for the payment of any religeous [sic] services in either house of the Legislative Assembly, —

Section 6. No religious test for witnesses or jurors. No person shall be rendered incompetent as a witness, or juror in consequence of his opinions on matters of religion [sic]; nor be questioned in any Court of Justice touching his religious [sic] belief to affect the weight of his testimony.—

Section 7. Manner of administering rath or affirmation. The mode of administering an oath, or affirmation shall be such as may be most consistent with, and binding upon the conscience of the person to whom such oath or affirmation may be administered. —

Section 8. Freedom of speech and press. No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right. —

Section 9. Unreasonable searches or seizures. No law shall violate the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search, or seizure; and no warrant shall issue but upon probable cause, supported by oath, or affirmation, and particularly describing the place to be searched, and the person or thing to be seized. —

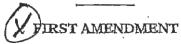
Section 10. Administration of justice. No court shall be secret, but justice shall be administered, openly and without purchase, completely and without delay, and every man shall have remedy by due course of law for injury done him in his person, property, or reputation.

Section 11. Rights of Accused in Criminal Prosecution. In all criminal prosecutions, the accused shall have the right to public trial by an impartial jury in the

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#### RELIGION AND FREE EXPRESSION



Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

#### RELIGION

#### An Overview

Madison's original proposal for a bill of rights provision concerning religion read; "The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience he in any manner, or on any pretence, infringed." The language was altered in the House to read; "Congress shall make no law establishing religion, or to prevent the free exercise thereof, or to infringe the rights of conscience." In the Senate, the section adopted read; "Congress shall make no law establishing articles of faith, or a mode of worship, or prohibiting the free exercise of religion, . . ." It was in the conference committee of the two bodies, chaired by Madison, that the present language was written with its some-

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<sup>11</sup> Annals of Congress 434 (June B, 1789).

The committee appointed to consider Madison's proposals, and on which Madison served, with Vining as chairman, had rewritten the religion section to read: "No religion shall be established by law, nor shall the equal rights of conscience be infringed." After some debate during which Madison suggested that the word "national" might be inserted before the word "religion" as "pointling! the amondment directly to the object it was intended to prevent," the House adopted a substitute reading: "Congress shall make no laws touching religion, or infringing the rights of conscience." I ANNALS OF CONGRESS 729-31 (August 16, 1788), On August 20, on motion of Fisher Ames, the language of the clause as quoted in the text was adopted. Id. at 766, According to Madison's biographer, "[t]here can be little doubt that this was written by Madison." I, BRANT, JAMES MADISON—FATHER OF THE CONSTITUTION 1787-1800 at 271 (1950).

This text, taken from the Senate JOURNAL of September 8, 1769, appears in a B. SCHWARTE (BD.), THE BULL OF RIGHTS! A DOCUMENTARY HISTORY 1153 (1871). It was at this point that the religion clauses were joined with the freedom of expression clauses.

## Grievance Committee Response

Grievance # 48655

Thank you for bringing your concern regarding room searches to this committee and providing a copy of Article I (Bill of Rights) of the Constitution of Oregon. Section 9. Unreasonable searches or seizures.

Here at OSH, our duty to maintain safety and security and one of the ways this is accomplished is via unannounced and announced searches and environmental checks.

Authorized by Program Director or Safety and Security. Per Policy 8.014, "Unannounced searches may be conducted as needed in response to reasonable cause to suspect presence of contraband, prohibited item(s), missing item(s), or for other identified safety, security, or treatment risks."

On 2/3/2023 an announced search authorized by Program Director, Heidi Scott was conducted of your room on FT1 due to concerns there may be personal/private information of another peer(s). Records indicate you were informed of and present for this search. All property taken during this room search was impounded as evidence in regard to an open investigation, picked up by OSP, and is now stored with them until which time the case is resolved. This is still an open investigation with OSP. Case number: SP23-033326.

See attached Policy 8.014

OSH was within the legal parameter and hospital policy to perform the search of your room.

## **OREGON STATE HOSPITAL**

#### **POLICIES AND PROCEDURES**

SECTION 8:

Safety, Security, Emergency Management

Policy: 8.014

SUBJECT:

Room, Unit, Treatment Mall Searches

Роінт

PERSON:

SAFETY & SECURITY DIRECTOR

APPROVED:

**DOLORES MATTEUCCI** 

**DATE: March 20, 2019** 

SUPERINTENDENT

#### I. POLICY

- A. Oregon State Hospital (OSH) will maintain a safe and secure treatment environment by implementing guidelines for unannounced and scheduled searches of patient rooms, units, and treatment malls. All searches will be a collaborative effort between Security, other health care personnel (HCP), and patients. This policy does not apply to environmental checks or other related processes directed by Nursing Services protocols.
- B. A search may only be conducted if authorized by the appropriate program director or treatment mall manager. If the program director is unable to be reached to authorize the search, the Safety and Security Director may authorize the search.
- C. An unannounced search may be conducted as needed in response to reasonable cause to suspect presence of contraband, prohibited item(s), missing item(s), or for other identified safety, security, or treatment risks.
- D. An unannounced search of each unit and treatment mall will be conducted at least annually by the Safety and Security Department to locate potential contraband, prohibited items, and safety hazards.
- E. Security must notify the relevant program director and treatment mall manager prior to a search being conducted.
- F. Before a patient's room is searched, the patient must be informed of the search. The patient must be given opportunity to monitor the room search process.
- G. Common areas may be searched without patients being present.
- H. HCP must follow Procedures A, "Room Search Process," to conduct a room search. At least two HCP must be present during any room search.
- I. HCP must follow Procedures B, "Unit Search Process," to conduct a unit search.

SUBJECT:	Room, Unit, Treatment Mall Searches	Policy Number 8.014	
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- J. HCP must follow Procedures C, "Treatment Mall Search Process," to conduct a treatment mall search.
- K. If a personal search of a patient is considered to be necessary during a room, unit, or treatment mall search, HCP must follow OSH Policy and Procedures 8.041, "Personal Searches".
- L. Found contraband or prohibited items must be handled in accordance with the procedures in OSH Policies and Procedures 8.019, "Staff Response to Alleged Criminal Acts and Contraband"; 8.037, "Patient Property and Valuables: Handling and Storage"; 8.044, "Contraband and Prohibited Items"; and Oregon Administrative Rule (OAR) 309-108-0015.
- M. Upon authorization from the Superintendent, the Safety and Security Director may enlist assistance from the Department of Corrections Search Team.
- N. A HCP who fails to comply with this policy or related procedures may be subject to disciplinary action, up to and including dismissal.

#### II. DEFINITIONS

- A. "Chain of custody" means an unbroken, documented trail of accountability that proves the physical security, including movement and location, of an item.
- B. "Contraband" has the same definition as that in OSH Policy and Procedure 8.044, "Contraband and Prohibited Items."
- C. "Health care personnel (HCP)" for the purposes of this policy means the population of health care workers working in the OSH healthcare setting. HCP might include, but is not limited to: physicians, nurses, nursing assistants, therapists, technicians, dental personnel, pharmacists, laboratory personnel, students and volunteers, trainees, contractual staff not employed by the facility, and persons not directly involved in patient care (e.g., clerical, dietary, housekeeping, maintenance).
- D. <u>"Prohibited items"</u> has the same meaning as that in OSH Policy and Procedure 8.044, "Contraband and Prohibited Items".
- E. "Reasonable cause" means a person has knowledge, notice of facts or circumstances which would lead a person of ordinary care and prudence to have strong suspicion.

#### III. PROCEDURES

Procedures A Room Search
Procedures B Unit Search

Procedures C Treatment Mall Search

SUBJECT: Room, Unit, Treatment Mall Searches POLICY NUMBER 8.014

DATE: March 20, 2019 PAGE 3 OF-3

#### IV. FORMS

Search Report Form S020-T3 Search Supplement Form S020-T4

#### V. REFERENCES

42 CFR §482.13(c).

Oregon Administrative Rules §§ 309-108-000 — 309-108-0020.

Oregon Revised Statute § 162.135.

Oregon Revised Statute § 162.185.

Oregon State Hospital Policy and Procedure Manual. Contraband and prohibited items, 8.044. Author.

Oregon State Hospital Policy and Procedure Manual. Incident reporting, 1.003. Author.

Oregon State Hospital Policy and Procedure Manual. Patient property and valuables, 8.037. Author.

Oregon State Hospital Policy and Procedure Manual. Patient rights, 7.005. Author.

Oregon State Hospital Policy and Procedure Manual. Personal searches, 8.041. Author.

Oregon State Hospital Policy and Procedure Manual. Staff response to alleged criminal acts and contraband, 8.019. Author.

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PROCEDURES A Room Search POLICY NUMBER 8.014

DATE March 20, 2019 PAGE 1 of 2

Responsible Person/Group	Procedures	
Nurse manager (or designee)	<ul> <li>When a room search is deemed necessary in accordance with OSH Policy 8.014:</li> <li>1. Request authorization from the program director for patient room search. Provide the following information to the program director: <ul> <li>a. reasonable cause to suspect the presence of contraband, prohibited items, or drugs; or</li> <li>b. the security or safety risk that poses a danger to patients or others.</li> </ul> </li> <li>2. Determine if additional staff will be necessary for the search.</li> <li>3. Contact Security manager or designee to coordinate the search, if necessary.</li> <li>4. Designate a HCP to lock the patient's room until the search is conducted.</li> <li>5. Establish a chain of custody for contraband or prohibited items located during room search.</li> </ul>	
	6. Communicate results to the program director.	
Program director	<ol> <li>Review search request.</li> <li>Authorize the search if deemed necessary.</li> <li>Review search results.</li> </ol>	
Security Director or manager	<ol> <li>Coordinate Security assistance.</li> <li>Develop plan with HCP about scope of search, search plan, and possible risks.</li> <li>Assign or lead a Security team to assist with room search.</li> <li>Review and assist with documentation of chain of custody, evidence handling, and incident reports from Security staff.</li> <li>If contraband or prohibited items are found, follow OSH Policies and Procedures 8.019, "Staff Response to Alleged Criminal Acts and Contraband"; 8.037, "Patient Property and Valuables: Handling and Storage"; 8.044, "Contraband and Prohibited Items"; and Oregon Administrative Rule (OAR) 309-108-0015.</li> </ol>	
Security staff	Complete search according to established plan.     Complete incident reports as necessary per OSH Policy and Procedure 1.003, "Incident Reporting".	

PROCEDURES A	Room Search	Policy Number 8.014
DATE	March 20, 2019	PAGE 2 of 2

# MHT, nurse, or MHST

- 1. Coordinate resources to assist with the unannounced search with the on-shift Security manager.
- 2. Inform the patient of the search and offer the patient opportunity to observe the search.
- 3. Conduct a security check of the patient as outlined in OSH Policy and Procedure, 8.041, "Personal Searches."
- 4. Allow the patient to be present for the room search by:
  - a. Placing a chair about two feet from the patient's room door to sit on or stand by. The patient may not enter the room until the search is complete.
  - b. Search the patient's property inside of the room.
  - c. Return the patient's property to original state or location.
- 5. Remove any prohibited items, contraband, or missing equipment from patient's room.
- Document the reason for the search and any outcome of concern in the patient's medical record. If the patient chooses not to be present for the search, document the choice in the medical record.
- 7. Return found items to unit HCP. Follow OSH Policy and Procedure 8.044, "Contraband and Prohibited Items" when handling prohibited items.

PROCEDURES B Unit Search POLICY NUMBER 8.014

DATE March 20, 2019 PAGE 1 of 2

Responsible Person/Group	Procedures	
Nurse manager (or designee)	When a unit search is deemed necessary in accordance with OSH Policy 8.014:  1. Request authorization from the program director for the unit	
	search. Provide the following information to the program director:  a. reasonable cause to suspect the presence of contraband, prohibited items, or drugs; or	
	<ul> <li>the security or safety risk that poses a danger to patients or others.</li> </ul>	
	<ul><li>2. Determine if additional staff will be necessary for the search.</li><li>3. Contact Security manager or designee to coordinate the search, if necessary.</li></ul>	
	4. Designate a HCP to lock patient rooms until the search is conducted.	
	5. Assist with the common area and patient rooms search. Follow Procedures A, "Room Search".	
	6. Establish a chain of custody for contraband or prohibited items located during the search.	
	7. Communicate results to the program director.	
Program director	1. Review search request.	
	Authorize search if deemed necessary.     Review search results.	
Security Director	Arrange scheduled searches by:	
or manager	a. developing a search schedule,	
	b. coordinating Security staff, and	
	c. notifying the program director prior to the search.	
	2. Coordinate Security assistance with unit HCP.	
	3. Develop plan with HCP and program director about scope of search, search plan, and possible risks.	
	4. Assign or lead a Security team to assist with search.	
	5. If contraband or prohibited items are found, follow OSH Policies and Procedures 8.019, "Staff Response to Alleged Criminal Acts and Contraband"; 8.037, "Patient Property and Valuables: Handling and Storage"; 8.044, "Contraband and Prohibited Items"; and Oregon Administrative Rulé (OAR) 309-108-0015.	
	6. Document the search.	
· SOREMIS TOTO ST	7. Review and assist with documentation of chain of custody, evidence handling, and incident reports from Security staff.	

PROCEDURES B	Unit Search	POLICY NUMBER 8.014
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	Provide a written report and risk assessment to the program director.
Security staff	<ol> <li>Complete search according to established plan.</li> <li>Complete incident reports as necessary per OSH Policy and Procedure 1.003, "Incident Reporting".</li> </ol>
MHT, nurse, or MHST	<ol> <li>Verify no patients are inside of rooms and lock rooms.</li> <li>Search common areas and tub room before starting unit search.</li> <li>Conduct a security check of each patient as outlined in OSH Policy and Procedure, 8.041, "Personal Searches."</li> <li>Allow patients to be in common areas, activity rooms, or air court.</li> <li>Follow Procedures A, "Room Search" to conduct each patient room search.</li> <li>If there are any findings of concern, document the findings in the patient's medical record.</li> <li>Return found items to unit HCP. Follow OSH Policy and Procedure 8.044, "Contraband and Prohibited Items" when handling prohibited items.</li> </ol>

PROCEDURES C Treatment Mall Search POLICY NUMBER 8.014

DATE March 20, 2019 PAGE 1 of 2

Responsible Person/Group	Procedures
HCP	When a treatment mall search is deemed necessary in accordance with OSH Policy 8.014:
	Request authorization from the treatment mall manager for a treatment mall search. Provide the following information to the treatment mall manager:
	<ul> <li>a. reasonable cause to suspect the presence of contraband, prohibited items,</li> </ul>
	b. missing items that pose risk, or
	c. the security or safety risk that poses a danger to patients or others.
	If there is reason to believe a patient may have a missing item, consider requesting a security check for each patient who could have accessed the item. Follow OSH Policy and Procedures 8.041, "Personal Searches."
Treatment mall	After receiving authorization for an unannounced search, notify the Safety and Security Department.
	Coordinate a search plan with the on-shift Security manager to determine:
	a. area requiring search,
	b. the missing items or equipment, and
	c. identify patients who may have accessed a missing item.
	Begin the search when patients are not present on the treatment mall unless there is reasonable cause to believe an item missed during the staff's inventory check was accounted for before the treatment mall was started.
	Be present to assist with Security during the search.
	5. Designate a HCP to lock rooms.
	6. If deemed necessary, conduct a security check of each patient who may have been involved in the incident as outlined in OSH Policy & Procedure, 8.041, "Personal Searches".
	7. Document the outcome of the search and any findings of concern in the relevant patient's medical record.
	<ol> <li>Return found items to treatment mall HCP. Follow OSH Policy and Procedure 8.044, "Contraband and Prohibited Items" when handling prohibited items.</li> </ol>

PROCEDURES C	Treatment Mall Search	Policy Number 8.014
DATE	March 20, 2019	PAGE 2 of 2

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Treatment mall	Review search request.	
manager	2. Authorize search if deemed necessary.	
	3. Review search results.	
Security Director or Manager	Arrange scheduled searches by:	
	a. developing a search schedule,	
	b. coordinating Security staff, and	
	<ul><li>c. notifying the treatment mall manager prior to the search.</li><li>2. Develop plan with HCP and the treatment mall manager about scope of search, search plan, and possible risks.</li></ul>	
	<ul><li>3. Assign or lead a Security team to assist with the search.</li><li>4. Document search results.</li></ul>	
	Provide a written report and risk assessment to the treatment mall manager.	
	6. Review and assist with documentation of chain of custody, evidence handling, and incident reports from Security staff.	
	7. If contraband or prohibited items are found, follow OSH Policies and Procedures 8.019, "Staff Response to Alleged Criminal Acts and Contraband"; 8.037, "Patient Property and Valuables: Handling and Storage"; 8.044, "Contraband and Prohibited Items"; and Oregon Administrative Rule (OAR) 309-108-0015.	
Security staff	1. Complete search according to established plan.	
	2. Complete incident reports as necessary.	
MHST or HCP	If needed, conduct a security check of the patient as outlined in OSH Policy & Procedure, 8.041, "Personal Searches."	
	2. Return patients back to the unit.	
	3. If needed, assist treatment mall HCP with search.	
	4. Document the treatment mall search in an incident report.	

District of Oregon Corresponds to AO 242 Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 (Rev. 1/20)

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#### PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

#### Instructions

- 1. Who Should Use This Form. You should use this form if:
  - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits);
  - you are in federal or state custody because of something other than a judgment of conviction (for example, you are in pretrial detention or are awaiting extradition); or
  - you are alleging that you are illegally detained in immigration custody.
- 2. Who Should Not Use This Form. You should not use this form if:
  - you are challenging the validity of a federal judgment of conviction and sentence (these challenges are generally raised in a motion under 28 U.S.C. § 2255);
  - you are challenging the validity of a state judgment of conviction and sentence (these challenges are generally raised in a petition under 28 U.S.C. § 2254); or
  - you are challenging a final order of removal in an immigration case (these challenges are generally raised in a petition for review directly with a United States Court of Appeals).
- 3. Preparing the Petition. The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. A false statement may lead to prosecution.
  - All questions must be answered clearly and concisely in the space on the form. If needed, you may attach additional pages or file a memorandum in support of the petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. Do not use the back of any page.
- 4. Supporting Documents. In addition to your petition, you must send to the Court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
- 5. Required Filing Fee. You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the Court for permission to proceed in forma pauperis by submitting the documents that the Court requires.
- 6. When you have completed the form, send the original and one (1) additional copy to:

Clerk of Court
U.S. District Court, District of Oregon
1000 SW Third Avenue, Suite 740
Portland, OR 97204-2902

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the Court to file-stamp it and return it to you. If you are incarcerated at Snake River Correctional Institution (SRCI) or Two Rivers Correctional Institution (TRCI), you must comply with the requirements of the E-Filing Program posted at the institution and set forth in Standing Order 2019-7 (for SRCI) or 2019-12 (for TRCI).

7. Notification Regarding Address Changes. It is important that you indicate your mailing address and state offender identification number ("SID") on your petition. If your address changes during the course of this proceeding, you must give written notification to the Court and opposing counsel of your new address. The notification should include the case number and be labeled "Notice of Change of Address." Failure to keep the Court advised of your current address may result in the dismissal of your action.

Case 6:23-cv-00762-MC Document 1 Filed 05/24/23 Page 131 of 131 18 Account Way
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> Clerk of Court US. District Court, District of OR 1000 S.W. Third Avenue Svite. 740 Portland OR 97204-2902